

A HISTORY OF  
LAVACA  
COUNTY

by Paul C. Boethel





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To: Morris S. Cook  
Austin, Texas

A bookman with  
whom I love to talk -  
he carries with him  
more Texas lore than  
a writer in the field.  
An enjoyable hour  
closed with him today  
with this autograph.

>  
and C. } For the







HISTORY of  
LAVACA  
COUNTY

*HISTORY OF LAVACA COUNTY*

*By Mrs. C. C. Smith*







# HISTORY *of* LAVACA COUNTY

» REVISED EDITION «

*by Paul C. Boethel*

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To

DR. N. C. BOETHEL, an immigrant  
settler of the county, this volume is  
affectionately dedicated.

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## PREFACE

This volume constitutes a revision of a history of the county first published in 1936. It is not represented as the complete story of the county. At best, it is a piecemeal reconstruction of its pioneer days. Much, as yet, is untold; some is locked away in the privacy of the memoirs of the pioneer families, inaccessible to the public; other parts lay unknown and untouched in some archive. This is such as has had the dust of ages blown or wiped off.

In it, many a brave and deserving pioneer will go unnoticed; these, either the fickle finger of destiny did not touch, or else, my efforts did not find them. Perhaps another on another day will write their story.

Other counties are perhaps more famous and more renowned because the finger of destiny did touch them on historic occasions, but Lavaca County need not yield to any of them. Its story is rich in legend and history.

March 27, 1959

PAUL C. BOETHEL





## CHAPTER I



## *Early History, 1685-1845*

### A. SIZE, LOCATION AND NAME

Lavaca County is situated in the third tier of counties from the Gulf of Mexico in the southern part of Central Texas. It has an area of 636,800 acres of land or approximately 995 square miles. It is part of the Texas Coastal Plain, and lies within two parallel stream valleys—the Lavaca and the Navidad.

Aside from the explorations of La Salle, who landed on the coast just south of the county in 1685, and the travel on the Nacogdoches-La Bahia road, which traversed the county along its western boundary, there is no record of the white man in the sector prior to 1820. A transient trader, hunter, or a Spanish military force may have crossed it on the journey, but their stay is of no importance; they left no visible imprint on the history of the county.

To one of the streams emptying into the bay where he landed his ships, La Salle gave the name Les Veches, because of the number of buffalo he saw grazing on its banks. The name was retained by Spaniards, adapted by them to their language with the title La Baca, and in 1842, when the county was first organized, it took its name from this stream; in 1846 it was changed to Lavaca.

### B. THE SETTLEMENT OF LAVACA COUNTY

The settlement of Lavaca County began at the time of the colonization of Texas by the government of Mexico. The Lavaca River in this colonization program became the boundary of the two principal colonies of Texas, namely, those of Austin and DeWitt. Land grants to settlers were made on its banks and its tributaries by both Austin and DeWitt. The colonizing activity of Austin, however, was centered on the Brazos and Colorado rivers, and his work influenced the settlement of the county to a lesser degree than DeWitt's. Austin's grants in Lavaca County were located some seventy to a hundred miles from his principal settlement; whereas DeWitt's grants were at distances far less remote—seldom over forty miles from the capital of his colony.



Mexico in 1823 had established a federal republican government. It continued the colonization program inaugurated by the Spanish authorities a few years previous and opened the province of Texas to settlement. It contracted with various individuals to settle allotted quotas of families within definite areas.

The opening of the province of Texas to settlement could hardly have come at a more opportune time to attract immigration from the United States. The panic of 1819 worked many hardships on the people of the United States, particularly on those of the western states. Many individuals were unable to meet the mortgage payments on their lands; others were bankrupt. Then, too, the public land laws of the United States government were too severe to attract new purchasers. The liberal land policy in Texas sponsored by the Mexican government, on the other hand, provided the means whereby the debt-burdened people of the States could restore their private fortunes. In the province of Texas, land was offered at twelve and a half cents an acre. The allotment to agricultural settlers was one hundred and seventy-seven acres and for those who raised stock, four thousand four hundred twenty-eight acres. The purchase price was payable in produce at the end of the fourth, fifth, and sixth years. In contrast, the public lands in the United States were priced at one dollar and twenty-five cents an acre in lots of not less than eighty acres and the payment of the whole amount was required to be in cash—a provision that put the land beyond the reach of those who needed it most.

### *1. Stephen F. Austin and His Colony*

The first of the empresarios with whom the Mexican government contracted to locate settlers in Texas was Stephen F. Austin. The grant was originally made out to his father by the Spanish authorities but upon his death, Austin assumed the responsibility of discharging his father's plans. In August, 1821, he was authorized to explore the lands on the Colorado to locate his colony. The rich alluvial region between the Colorado and Brazos rivers was his selection for the site of the colony, although the boundary of his grant extended as far west as the Lavaca River. His duties in connection with his project took him back to the United States, where he distributed circulars describing his plans and the natural

resources of Texas. Upon his return to Texas, he was advised to go to Mexico City to get his father's grant confirmed by the newly established Mexican government. A year elapsed before he secured it. During his absence, his first colonists, who had located on the Brazos River, suffered many hardships and discouragements. On his return, Austin again assumed the task of managing and promoting his colony, and by 1825 the colony was firmly established. An official census, taken in the fall of 1825, reported 1800 people, of whom 443 were slaves, in the colony.

Thereafter, Austin's colonies developed rapidly and as the land grants extended westward, they approached his western boundary, the Lavaca River. His grants in Lavaca County were: Jesse Cartwright, 1824; John Alley, 1826; William Hardy, 1831; Archibald White, 1831; A. W. Breedlove, 1831; Ephriam Whitehead, 1831; W. R. Hensley, 1831; Jeremiah Brown, 1831; M. Standefur, 1831; George F. Richardson, 1831; Lawrence Martin, 1831; George W. and William Scott, 1831; Sam Fuller, 1831; and John Hallet, 1831.

## *2. Green DeWitt and His Colony*

When Austin arrived in Mexico City to have his father's grant confirmed by the newly established Mexican government, he found Green DeWitt of Missouri and others in the city seeking permission to establish colonies in Texas. DeWitt, however, was unable to secure an immediate grant.

The general colonization law of Mexico enacted in 1824 delegated the power to grant colonization contracts to the states within whose boundaries the colony was to be founded. On March 24, 1825, the Congress of Coahuila and Texas enacted the colonization law, under whose provisions all contracts and grants to Anglo-American colonizers were subsequently made.

Through these national and state laws, the Mexican government opened to foreigners most of the vacant lands in Texas. Some of the provisions of the laws are significant in their content. Military and native Mexicans were given preference in the distribution of the land. Lands within twenty leagues of the United States and within ten leagues of the Gulf of Mexico were not open for colonization. Each immigrant had to be certified as a Christian of good moral character, had to take an oath to uphold the federal

and state constitutions, and observe the Catholic religion. Each family was entitled to a labor of land (177) acres for farming and one sitio, or one square league (4428 acres) for cattle raising. The land was tax free for a period of ten years and the small payments could be made in three installments, four, five, and six years from date of grant.

On April 7, 1825, DeWitt petitioned the state authorities at Saltillo to be allowed to settle four hundred families southwest of Austin's colony in the country bounded on the east by the Lavaca River, on the north by the Bexar-Nacogdoches road, on the west by a line two leagues southwest of, and running parallel with, the Guadalupe River, and on the south by a line ten leagues from the coast.

DeWitt had, some time previous to the time of his petition, made the acquaintance of Austin, who used his influence with the authorities at Saltillo to secure the contract for him. As a result, DeWitt's petition was granted on April 15, 1825.

Before DeWitt's petition had been granted, Major James Kerr resigned his seat in the Missouri senate and moved to Texas under an agreement with DeWitt to become surveyor and administrator of the colony. In August, 1825, Kerr, with the aid of six companions, speedily erected cabins, and surveyed, near the junction of the San Marcos and Guadalupe rivers, a town which was named Gonzales. Only a few settlers followed these first men. Others visited the place as prospectors. The people lived on coffee, bread made of Indian corn, honey, and game. A few Indians visited them but professed friendliness.

The pioneers at Gonzales, sixty-five miles west of the Colorado River, were the only American settlers west of that stream. Their nearest neighbors lived at Victoria, some sixty miles to the southwest. This outpost of Anglo-American colonization, owing to its isolation, proved to be an easy mark for hostile Indians. Early in July, 1826, the colony was attacked by Indians, a settler was killed and his home plundered. The survivors fled to Burnhams's Crossing on the Colorado River.

On the abandonment of Gonzales, Major Kerr and a few companions moved to a point on the west bank of the Lavaca River, about six miles inland from the bay, where DeWitt had, on his



return from Saltillo, established a port to receive immigrants for his colony. The little settlement, called "Old Station," was made the temporary headquarters and rallying point for the colony. Settlers landed here and temporarily located on the tillable lands nearby.

Major Kerr was now of the opinion that the Lavaca Valley was the more desirable place for the colony. He was pleased with the prairie lands adjacent to the river banks. In August, 1826, he went to San Antonio to ask the political chief to assign colonies to remain at the river's mouth. The chief refused to authorize the permanent location of the settlement on the lower Lavaca. Kerr, however, established his permanent home on the east bank of the river near the settlement.

Colonists continued to arrive, established homes, and erected a small warehouse; in the fall of 1828, there were about forty men, women, and children collected here.

The colony, however, was soon to be broken up. It was regarded by the Mexican officials as a port for contraband trade. Moreover, conflicting claims over land titles occurred with the Mexican settlement at Victoria. To prevent further quarrels between the settlers and to prevent the further smuggling of contraband goods, the lower Lavaca settlement was ordered to move to Gonzales. By December 17, 1828, it was abandoned.

In the meanwhile, Gonzales had been re-occupied by some of its former settlers, who had returned from the Colorado settlement. New homes were erected and a fort was constructed as a place of refuge against the Indian attacks. The colony grew steadily, with the immigration coming largely from Pennsylvania, Tennessee, and Missouri; it was greatly reinforced by the arrival of the families from the lower Lavaca settlement. By 1831, more than one hundred families had arrived.

Grants made by DeWitt to settlers in Lavaca County were to Malkijah Williams, George Foley, Andrew Kent, Richard Heath, Silas Morris, Zachariah Davis, Alexander Porter, Jonathan Scott, James Kerr, Matthew Caldwell, James C. Davis, John M. Ashby, John Morris, John Smothers, James F. Wood, Edwin Richeson, William Taylor, William Chase, Byrd Lockhart, William Strode and David Burkett.

### 3. *Settlement after 1832*

Settlers continued to locate in Lavaca County after DeWitt's contract had expired. The migration to its land was a steady one, except for the brief interval of the Texas Revolution when it was exposed to the preliminary movements of the Mexican forces mobilizing against the revolutionary element in the eastern colonies.

In 1833, John Hallet, a member of Austin's colony, located on his league of land, situated on the east bank of the Lavaca River. He was born in Worcestershire, England, and was the son of an English nobleman. When but a lad, he enlisted in the British navy, but deserted his ship when threatened with punishment by one of the officers by climbing overboard at night and swimming to an American vessel in the harbor. The captain of this vessel brought him to America and adopted him. Hallet continued to follow the sea with his adopted father, and was a volunteer in an engagement against the British in Cheaspeake Bay in the War of 1812. About 1808, he married Margaret Leatherbury, a native of Virginia and a member of an old and prominent family of that state. Some time later he became the captain of his own ship, sailing from ports of Baltimore and New York. He retired when he lost the ship off the coast of Key West, Florida. With the insurance money recovered for the loss, he entered business, first at Matamoros, Mexico, and then at Goliad. They kept these establishments until his stock of goods were confiscated by the Mexican authorities. Four children were born; two, John and William Henry, were born in Matamoros in 1813 and 1815; Benjamin and Mary Jane were born in Goliad in 1818 and 1822.

In 1833, Hallet left Goliad to join Austin's colony; he drove an ox-wagon loaded with Mexican laborers, and another loaded with young bois d'arc trees to his grants; built a small log cabin, dug a well, dug a trench three feet deep and five feet wide around the premises, and then along the moat planted the trees. He made no effort to put in a crop, returning to Goliad where he became the town clerk (rubric). During the Revolution, the son John joined Houston's forces and fought with him at San Jacinto, but little is known of the Hallets' whereabouts during this crucial time. The son Benjamin had died in 1824; and in 1836, according

to family history, William Henry met death in Mexico. John Hallet Sr. died at Goliad in October, 1836; and the following year the surviving son was killed by the Indians on the Nueces River.

Following the death of her husband, Margaret Hallet moved from Goliad to the cabin on the Lavaca; she was then forty-nine years of age. Here she stocked her cabin with a small supply of merchandise, and ditch-fenced a plot of land which she planted in corn. While she was getting established, Barney (Barnard) Brown settled just across the river from her; he was followed by Collatinus Ballard, who married Mary Jane in 1840; in 1837, David Ives settled in the home with them.

Ballard, a native of Culpepper County, Virginia, came to Texas in 1840; for a time he was at Texana, then at Mrs. Hallet's, and in 1841, he opened a small store. The first house built, however, was a blacksmith shop, put up by Ira McDaniel on the grounds where Louis Turner later lived. M. B. Bennett and A. W. Hicks established themselves there later; and with Mrs. Hallet, the Browns, Ballard, Ives, and McDaniel, they formed the nucleus for the Hallet settlement.

About four miles below them, a group of settlers, principally from Missouri, were forming another settlement. Adam Zumwalt, Sr., arrived in Texas on May 20, 1829; Adam Zumwalt, Jr., May 22, 1830; the latter was born in Kentucky in 1796 but moved to Missouri; his wife was Jane Straw Kent. Abraham Zumwalt arrived in June, 1830. Noah and Gabriel Zumwalt located in the county in 1837, bringing with them their families after a hazardous trip from St. Charles County, Missouri. They had served under Capt. Nathan Boone at Fort Gibson on the Arkansas River in 1832 and 1833, and after their discharge, they moved to Texas. Prior to their migration from Missouri, these settlers had been part of a settlement in Missouri known as Zumwalt's Fort. Not far from this settlement, known for a time as Zumwalt Settlement on the Lavaca, located another Missouri family, John Alexander Clark. Clark, whose land holdings included part of what is today St. Louis, sold out, and moved lock, stock and barrel to Texas. He took his second wife, twenty-three years younger than he, her two small children, and three of the nine children by his first wife, by boat to New Orleans, then to the Lavaca Bay, and then



by ox-drawn wagon to the Ashby League, which he bought. He cleared his land and built a two-room log cabin.

While Clark and his son, Wilson, were clearing the land, the mother was busy in her new home; she cooked on a fireplace; the meals consisted principally of beef, though fresh vegetables, poultry and hogs were raised by the family. Besides rearing her own children, she took care of the children of the slaves. She carded the cotton, spun and wove it into clothing for the family.

The first settler in this settlement was John M. Ashby, but tragedy dogged his steps. In a short time, he lost his wife and three children; he then took two girls back to Kentucky, his former home, and placed them in a school. Some years later he returned for them, and on his trip back with them, "he died on the water." The girls continued on to Texas, where they joined their brothers and sisters in the home of their older sister, Ann, who had married Bartlett D. McClure in Kentucky and had arrived in Texas in 1830, settling on their grant in Gonzales County on the eastern side of Peach Creek. Sister Mary married John Smothers of St. Mary's, a son of William Smothers, one of the county's earliest settlers. John Smothers and wife joined the "runaway scrape" and they quartered for a while on the large plantation known as Groce's Retreat in Waller County, then moved to Hempstead and finally to Columbus, where on November 8, 1836, a son John was born to them. In January, 1839, they moved to old homestead three miles west of Hallet's settlement. John Smothers died in 1846, leaving four children, John, Charles, Tobin (named after Captain Tobin of Columbus) and Martha Ann. The two brothers, John and Charles, entered the freighting business with Hallettsville as their headquarters, handling freight to Port Lavaca, LaGrange, Austin, Fort Mason and other points. During this time they hauled the machinery for the Neuhaus gin at Hackberry, which was the first gin west of the Colorado River.

Washington Foley settled in the county early in its settlement, together with his five sons and two daughters. They established and managed a huge plantation and are said to have owned more slaves than any other family in the Republic of Texas. Hiram G. Foley was the county's wealthiest planter, possessing over one

hundred slaves, but was very economical, wearing homespun clothing until his death.

John Henry Brown, a nephew of Major James Kerr, and later known as a historian, located in the county in 1840, living with his mother on Mustang Creek. In writing of the early settlers in the county, he said:

"Without saying who was the first settler in what is now Lavaca County, it can be said that between '30 and '36, William Smothers, Sr., and his son, John, Andrew Kent, Richard Heath, the elder (William) Ponton, with his sons, Joel and Andrew, Mrs. Margaret Hallet, John M. Ashby, Williamson Daniels, W. R. Hensley, Barnard Brown, and his sons James and Anthony, Adam Zumwalt, and Jesse Robinson, all settled on or near the Lavaca from the "Kent" place about ten miles below Hallettsville, to a point perhaps twelve miles above. Smothers, Kent and Heath were probably the first three.

John May with his sons, James Joseph, and Pat, and Patrick Sawey, settled on the Brushy in '34 and '35, and about the same time the families of John Douglass and Dougherty settled on Clark's Creek and lived in the same yard.

After the retreat in '36, very few persons returned to Lavaca County. Zumwalt, Heath, the Kent family, the Browns, Mrs. Hallet and others returned so as to plant crops in 1837. The Mays and others did not return until '41 or '42.

Noah and Gabriel Zumwalt and Harrison Baldrige from St. Charles, and Richard Veal and my brother Rufus from Pike County, Missouri, came out in '37. John Clark from Pike county and B. F. Clark from St. Louis, Missouri, came in '38. Noah Zumwalt's death in 1840 was a great loss. His widow Nancy, Mrs. Gabriel Zumwalt and other ladies were valued members of the infant settlement.

Isaac N. Mitchell and W. G. L. Foley came from Alabama in '38.

My mother and two sisters came from Pike County, Missouri, in '40. At the same time Samuel Barry came from Alabama, James Billings, from Tennessee, "Humpy Tom" and Ras. Clark from Missouri, "Wild Bill" and Stephen Ryan from Pennsylvania, John Greenwood from the Brazos and Edward Brown and Ira McDaniel from Sabine County in January, '41. Wm. M. Phillips, from the same county, and Jonathan Scott from Jackson came a little later the same year. David Ives, a surveyor, lived with Mrs. Hallet from '37 till his marriage in '43 with Margaret Lanham. Arthur Sherrill came from Alabama to Jackson County in '35, but settled the Petersburg place in '37."

Henry Vollentine came to the county in 1833 from Virginia. Two years later, he married a daughter of John May. Their first son was born during the "runaway scrape" in 1836 in Nacog-

doches county, where they had taken refuge. Some years later they returned to their lands in the southeast portion of the county.

Levi Boatwright, William Boatwright, James Callahan, and Elija Kelley were settlers in the county who had arrived in Texas prior to 1836; Stewart Foley arrived February 8, 1838; Gideon Blackburn, George W. Clark, and Mrs. Elizabeth Goodman in 1839; Stephen Bennett, Charles Bradley, and Albert G. Foster in 1840; and Benjamin Stribling (married) and Elisha Bennett in 1841.

A. V. Moore, sometimes written Amos and Amis V. Moore, was born in Moorsville, Alabama, in 1824. In 1827, his parents moved to Nashville, Tennessee, where he spent the greater part of his boyhood. In August of 1839, he came to Houston with his brother Mark, who was at that time employed by the *Houston Telegraph*, one of the first newspapers established in the state. Moore first took employment on another paper called the *Houston Intelligence*, but then began working on the boat, *The Friend*, J. O. Wheelers, captain, plying between Houston and Galveston. In 1840, his ship was wrecked in the Lavaca Bay, but he was rescued and taken to Linnville. In 1841, he, with his mother's family, moved to the Hallet settlement in Lavaca County, where they purchased land and began farming.

The settlement of the county continued throughout the days of the Republic of Texas, and the population in 1846 was large enough to justify its organization into a county. The tax roll of 1846 listed 140 taxpayers and it is a fairly accurate census of the county at the time of its organization. They were as follows:

Abercrombie, S	Boatright, Friend	Butler, James M.
Allen, William	Boatright, Levi	Butler, William
Arnold, John	Boatright, William	Calaway, A. D.
Arnold, J. B.	Bradley, Charles	Calaway, Jewett
Ballard, C. C.	Bradley, John	Callahan, John H.
Baldrige, W. H.	Bridger, Henry	Chaney, John
Barry, S. W.	Brooks, Allen	Chaney, F. R.
Bass, W. P.	Brown, Anthony	Chaudoin, Thomas
Bennett, C. M.	Brown, Barnard	Clark, E. S.
Bennett, Steven	Brown, James	Clark, Franklin
Best, C. W.	Brown, John H.	Clark, John
Best, Steven	Brown, Margaret	Coble, Adam
Billings, James	Brown, Rufus	Crafford, John
Blackburn, Gideon B.	Brundidge, T. W.	Deil, Festus

Dodd, Andrew	Jourdan, Sarah	Ryan, Joseph
Dougherty, Patrick	Kelly, Elija	Ryan, W. J.
Dowling, Josiah	Kelly, Elvira	Ryan, Wm. P.
Dufner, Joseph	Kelly, Sarah	Shaw, Ellis Bean
Foley, Green L.	Kelly, William	Shaw, William
Foley, H. S.	Kent, Bosman	Short, Elwing
Foley, Mason	Kent, David	Smith, Francis
Force, B. W.	Kent, Isaac	Smothers, William
Fowlkes, E. B.	King, Hardy	Stanton, Richardson
Foster, Albert	Know, Jesse	Stribling, Benjamin
Foster, John R.	Laughlin, David	Tacken, Michael
Gephart, Peter	Laughlin, John J.	Tandy, Albert
Greenwood, B. C.	Legan, William	Tandy, William
Greenwood, H. A.	Letcher, John	Tate, Isham
Greenwood, John	Lillig, Joshua	Thompson, Jessie
Hallet, Margaret	Long, Samuel	Tilley, John
Harles, Hiram	Malone, John	Tolliver, B.
Hear, John D.	Mays, William	Tucker, Alexas
Heath, Richard	McClellum, Robert	Veil, Richard
Henderson, T. J.	McDonald, Ira	Vollentine, Henry
Hicks, A. W.	Miller, George	Walten, George
Hinch, John	Mims, Henry	Walten, Rudolph
Hinch, M. H.	Mitchell, Isaac N.	Watts, James
Hinkley, Walter	Mudd, Francis	Watts, Richard
Holster, Felix	Murphy, Edmond	Williams, E. W.
Holster, Mary	Murphy, Mitchell	Woodward, Jacob
Hoskins, J. H.	Ponton, Andrew	Zumwalt, Adam
Howard, Phillip	Ponton, Joel	Zumwalt, Andrew
Hudgeons, William	Robinson, James W.	Zumwalt, Gabriel
Hueser, Thomas	Robinson, Jessie	Zumwalt, Isaac
Hunnicutt, G. B.	Ryan, Henry	Zumwalt, Nancy
Ives, David	Ryan, James	Zumwalt, Thomas
Joiner, Calif		

### C. THE REVOLUTION AGAINST MEXICO

Beyond the nominal jurisdiction of the Mexican government, the settlers in Texas governed themselves as the necessity arose. Their settlements were progressing peaceably enough, until the government of Mexico enacted a program of repressive legislation and inaugurated a policy of general hostility toward them. The decree of April 6, 1830, with its provisions and subsequent military occupation, led to the disorders in Texas in 1832, which resulted in the Mexican forces being driven across the Rio Grande. It was not until 1835 that the Mexican Federal Government was



in a position to direct its undivided attention to the affairs in Texas. In September, 1834, General Cos was appointed commandant of the Eastern Province to establish a firmer regime in Texas. Under his direction, custom houses were reopened, reinforced by military detachments, and the garrisons at Bexar and Goliad strengthened. The rumor of the coming of additional troops and the apprehension of the apparent evil designs of the federal government against the Anglo-American colonies created great excitement throughout the province. As the feeling of resistance developed and increased, meetings were held and Committees of Safety and Correspondence were organized.

The Lavaca section was far removed from the political agitation of the eastern colonies and was geographically exposed to the first steps of Mexican retaliation; nevertheless, its people generally belonged to or sympathized with the War Party. The settlers in the northern part of the county met with the people of Gonzales on May 17, 1835, discussed the situation, and organized a Committee of Safety and Correspondence including Bartlett D. McClure and Andrew Ponton. On July 17 following, the settlers of the southern portion participated in a large meeting held at William Millican's gin house. It was attended by the citizens living on and near the Navidad and Lavaca rivers. Among others of prominence who were present at the conference were the following Lavaca settlers: John Alley, Archibald White and his son James G., Paul Scarborough, and Andrew Kent. Kent, who afterwards gave up his life in the Alamo, had ridden thirty-five miles to be there. The meeting was primarily an assembly of farmers and was presided over by Major James Kerr. This meeting declared:

- (1) That they believed that Santa Anna was hostile to state sovereignty and the state constitution;
- (2) That they would oppose any force that might be introduced other than constitutional purposes;
- (3) And that they favored a general consultation of delegates from all municipalities of Texas.

Other sections of the province also favored holding a consultation; but before the delegates could meet, actual hostilities broke out. Colonel Ugartechea, the commanding officer at Bexar, complying with the instructions of his superiors, sent a detachment

of five troops to Gonzales to secure the cannon presented to DeWitt's colony in 1831. Andrew Ponton, the alcalde, refused to surrender the gun, and the town prepared to defend itself. Messengers were dispatched to the neighboring settlements, and the women and children were sent away.

On hearing of the refusal of the town to surrender the gun, Colonel Ugartechea sent out a force of eighty men to secure it. In the meantime, armed relief increased the meager force at Gonzales. Captain John Alley, with his company recruited from the Navidad and Lavaca rivers, joined these forces. The combined forces attacked the Mexicans on October 2 and routed them.

General Cos, on learning of the resistance at Gonzales, moved his force, except a small detachment, from Goliad to Bexar in order to more adequately take care of the situation that had developed. A few days after his departure, the mission fort at Goliad was attacked by a company of fifty-two colonists from Matagorda, the lower Colorado, Navidad, and the Lavaca rivers under the leadership of Captain George W. Collingsworth. After some resistance, the defending force surrendered, and large quantities of military supplies, several pieces of artillery, and 300 muskets fell into the hands of the Texans.

The Texan forces at Gonzales and Goliad then combined, and, greatly strengthened by men from the Brazos and Colorado settlements, marched on to Bexar and succeeded in driving General Cos and his troops from the city.

The settlers had successfully defended their rights under the Constitution of 1824 and had driven the Mexican army back to the Rio Grande. The consultation, favored earlier in the year, met and organized a provisional government; the troops remained in the field and prepared for the counterattack.

In February of the following year (1836), a large Mexican force under Santa Anna, the commander-in-chief of the Mexican army, invaded Texas with the avowed purpose of reducing it to a military dependency. On February 23, his force entered the town of Bexar. The small group of Texans defending the town took refuge in the Alamo, which had been provisioned as well as possible. In response to their plea for aid, thirty-two men from Gonzales, including the Lavaca settler, Andrew Kent, made their way

through the Mexican lines and entered the walls of the mission. On March 6, the entire garrison fell before the Mexican assault.

Other Texan forces were concentrated at Gonzales under Sam Houston and at Goliad under Colonel James Fannin. The forces at Gonzales retreated in face of the Mexican invasion, beginning their retreat on March 13th. Their first halt was at the home of B. D. McClure, husband of Ann Ashby. A little after sunset on March 14, the army reached Daniels', a settler's home on the Lavaca, a few miles southwest of Moulton, and camp was made on the prairie some distance from the woods; Daniels' fence was appropriated for firewood; at dusk some beeves were driven up, slaughtered, and rations of meat were distributed. The men had no bread and little coffee. As the men had made the march to this camp with little sleep, this was a trying night for the sentinels, one of whom, a young man by name of Rhodes of McNutt's company, was found asleep at his post. Gen. Houston threatened to have him shot, but placed him under arrest. As the forces marched eastward, Rhodes again incurred Houston's wrath. This was at Rocky Creek, where he stopped in the middle of the stream to get a drink; this caused the men in the rear to halt for a moment, and Houston rode up to push them on, only to find one man was holding up the army's march to get a drink. About one o'clock on the 15th, the army reached the Navidad River, where it encamped for the remainder of the day. Just prior to getting there, they met and were joined by a squad of mounted men from the Brazos; at this camp, General Houston become infuriated over some horses that had been permitted to graze within the sentinel lines. He did not want many mounted men, but instead preferred foot soldiers, and many, who had joined the army on horseback, returned to their homes rather than be dismounted.

As the army on its march traversed the northern sector of the county, messengers were despatched to the settlers below to warn them of the coming of the Mexicans. Adam Zumwalt was placed in charge of the families in their retreat. The settlers hastily gathered what meager possessions they could carry and transport—some walked, some rode, others traveled in ox carts, while still others rode on improvised sleds.

Mrs. Bradley and her son, Dandridge, who lived in the county at that time, were warned by one of Houston's messengers. She

stored her household articles in an old ox-cart, placed her young son on top of the pile, and hastened to join Houston on the Colorado. Another Lavaca settler, John Cheney, was forced to join the retreat with his wife, who was gravely ill, and who died before a place of safety could be reached. The families of O'Dougherty and Douglass, who lived on Clark's Creek in the southern part of the county, were hastily constructing a rough sled to join this retreat when they were attacked by marauding Indians and killed. The widow of Andrew Kent, a daughter, Mary Ann, joined Houston in his retreat, the seven-year-old girl riding horseback with her mother all the way to Nacogdoches. The girl later married John G. Morris, another pioneer settler, who established his home and plantation in the Hackberry section.

Colonel J. W. Fannin and his men fared little better than the small force at the Alamo. On March 18, after repeated engagements with a larger Mexican force, he set out for Victoria, only to be overtaken the following day. A bitter fight ensued, and, after a dismal night of suffering, Fannin surrendered his force on honorable terms. He hardly anticipated the treachery that befell his men, when a week later they were summarily shot, among them Arthur Foley of Lavaca County.

In the meantime, Houston continued his retreat to the San Jacinto River, closely pursued by a division of troops under Santa Anna. Five weeks were spent in mobilizing his force and waiting for a favorable opportunity to strike a decisive blow. On April 21, the opportunity came and the Texan army completely routed the Mexicans in their camp. Among the Lavaca settlers who participated in this battle were: Capt. Amasa Turner; Adam Coble, a member of Capt. Benjamin F. Bryant's company; John Ray Foster and Paul Scarborough served under Moseley Baker in the San Felipe company; Capt. Leaper Willoughby; John Hallet, Jr., Tucker Foley, Adam Zumwalt and Jesse Robinson, all served in William J. E. Heard's company of Citizen Soldiers; Joseph Kent served in Capt. William Kimbro's company; others known to serve were Horace Egleston, Joseph Lawrence, and Jackson Crouch. Albert Tandy, a settler here in 1846, was the driver for the famous "Twin Sisters," a horse-drawn cannon, the only artillery piece the Texans had.

The Mexican forces were withdrawn from Texas and independ-



ence was established. The "runaway scrape" was halted and the settlers slowly returned to their homes and fields. A permanent government was organized, and the Republic of Texas slowly developed into a recognized and independent country.

Lavaca County played a relatively small but a significant role in the Texas Revolution. Its settlers early declared their opposition to the despotic rule of Santa Anna, and rallied to the support of Gonzales. Andrew Ponton, the alcalde at Gonzales, who in 1835 refused to surrender the cannon to the Mexican authorities, in 1846 became the first county judge of the county. One settler, perhaps three others, are known to have died in the defense of the Alamo; several perished with Fannin at Goliad, while the number who fought with Houston at San Jacinto is estimated from fourteen to twenty men. The records are too fragmentary, but fortunate for posterity one account is preserved; Joseph Lawrence in an account given to the Hallettsville *Planter*, covered the retreat from Gonzales, and the battle of San Jacinto and his role in this encounter.

"I was born in North Carolina, June 15, 1800, came to Texas in 1835 and went to work as a farm hand. I came alone and was not married. Everything went along quietly until the spring of 1836, when I went with a Company of Volunteers to answer the call of Travis to relieve the Alamo. We started from Gonzales with twenty-five or thirty men under the leadership of Deaf Smith. We camped at the Powder House in sight of the city of San Antonio and waited for the signal gun to advance. Hearing that the Fort had been taken, we retreated to Gonzales followed by Santa Anna and army.

At Gonzales we spread the news, and together with Sam Houston retreated toward the Brazos, crossing the country (Lavaca County) where Mr. H. P. Smith now lives, and at Rocky Creek at the "Old Pine Tree Crossing," and the Navidad where the bridge on the Hallettsville and Schulenburg Road now stands. The retreat became general all over the Country, everybody leaving their homes and going east. Santa Anna came on, burning everything in his path.

Houston, hearing from two Mexican prisoners that Santa Anna was cut off from the main army, resolved to crush him. The next day (April 20) we had several sharp skirmishes, and on the morning of the 21st of April, Deaf Smith chopped and burned the bridge over the river, cutting off the enemy's retreat. We were camped about a quarter of a mile from the enemy in some large timbers. There was a ridge between us obscuring our view. About three o'clock in the evening we were ordered to parade. I was in the Cavalry on the right wing.

As we advanced they did not see us until we were within a hundred yards of them then they fired a terrific volley of small shot at us. But fortunately they shot over our heads. It seemed at one time that if one had held his hat two feet above his head, it would have caught twenty bullets or more. As we closed in and began the work of the two small cannons (The Twin Sisters) on them, they retreated in disorder towards the bridge. We followed the Cavalry. For the first six miles, they ran very even and kept out of reach; but after that, we gained on them and shot our carbines at them, dropping them off their horses. We then used our holster pistols and long knives. There was not one of our eighty men that did not get one or more of the Mexicans. At the end of twelve miles we all stopped to rest and let our horses rest. When we dismounted, we were so fatigued that we could not stand up and fell around like a company of drunken men.

The next day, three men, while out hunting, captured Santa Anna and brought him to Sam Houston, who was wounded and lying under an Elm Tree on the bank of the bayou. Santa Anna would have been killed, but he gave the Masonic sign and several men rushed up and defended him. On the same day, I was out reconnoitering and saw something crawling along, dragging in the grass. I halted it and, as it did not stop, I shot it. When I rode up to it, I found it to be a big, greasy Mexican. I had put a sinker under his ribs. The object he was draggin' proved to be a saddle and blanket of William B. Travis, who had been killed at the Alamo. The saddle sold for \$20.00 and the blanket for \$10.00. I got my discharge and returned to Washington-on-the-Brazos."

#### D. THE MIER EXPEDITION

The Mexican government, however, repeatedly proclaimed its intention of reconquering Texas. Preparations were made in 1837 and 1838 to send another army against the Texans. Domestic revolutions intervened, however, and the troops mobilized at Matamoros were despatched to the interior of Mexico to suppress insurrections there.

The Texan government, on the other hand, sought to extend its jurisdiction and control. Filibustering expeditions were made into Mexico to aid the Liberals, and a trade expedition was fitted out for Santa Fe. These steps led to retaliatory measures by the Mexican government.

In March, 1842, a Mexican force under General Vasquez suddenly appeared at San Antonio and took possession of the town. At the same time, other Mexican forces seized Goliad and Re-

fugio. Couriers spread the news to the neighboring sections and the Lavaca settlers made hasty preparations for another journey toward the Sabine River. A citizen army quickly mobilized at San Antonio. Among this impromptu force were the following from Lavaca County: John H. Livergood, Nicholas Ryan, John Bradley, Charles Bradley, and John Henry Brown. They united with the others on the Cibolo River, elected James H. Callahan captain, and entered San Antonio on March 5th. The Mexican forces retreated to the Rio Grande, and as it was thought not advisable to follow, the army disbanded. A company of men commanded by Captain Ewen Cameron, however, remained on duty from Victoria to the Nueces River in the southwest portion of the state. Another company, known as Hay's Spy Company, maintained a watch on and west of the Medina River. Among the twelve Lavaca County men who served in this company were: John Henry Brown, Beverly C. Greenwood, John H. Livergood, Shaffer Powell, and William Smothers.

On September 11, 1842, another Mexican force under General Adrian Woll captured San Antonio. A few Texans escaped and carried the news throughout the Republic. Again a citizen army gathered and rallied toward San Antonio, including a company of forty-three men from Lavaca County. They organized themselves into a company on the Cibolo River with Adam Zumwalt as captain, John H. Livergood and Nicholas Ryan as lieutenants, and John Henry Brown as orderly sergeant. Among the others were: Beverly C. Greenwood, Wilson Clark, Thomas Zumwalt, George Walton, Wilson Vandyke, Jonathan Scott, William M. Phillips, Joshua D. Brown, William Smothers, Oliver H. Stapp, Henry Cleveland, Andrew Zumwalt, Isaac Zumwalt, John Pius Smith, Nereus Dufner, James (Black Jim) Brown, and Wingate Woodley. The combined forces under Colonel Matthew Caldwell engaged the Mexican army at Salado, six miles east of San Antonio, and turned them with severe losses. The Lavaca company acquitted itself creditably in the battle; and, during the night after the battle, was joined by three other Lavaca men, Isaac M. Mitchell, Stewart Foley, and Horace Egleston. Captain Zumwalt then returned to San Antonio in charge of the wounded. Four members of his company did not return with him but joined Wallace's Bastrop Company and continued the pursuit of the re-

treating Mexicans. On the Medina, Wallace's Company was overtaken by Colonel John H. Moore and a large body of men, and among them were David Ives, W. H. H. Baldrige, Rufus E. Brown, Jesse Robinson, and Richard Heath from Lavaca County.

While the battle at Salado was in progress, Captain Nicholas Dawson, with fifty-three volunteers from Fayette and Lavaca counties, approached from the east to join the other Texan forces. They were cut off and surrounded by Mexican cavalry in the prairie, and after a desperate struggle, they surrendered only to be shot down without mercy after they had given up their arms. Among them was John Cummins, a tenant on the farm of John Smothers. Cummins was the last man to die in the massacre; he apparently sensed the treachery and tried to escape, running about four hundred yards before he was cut down. He was a teacher but had served as a soldier in the military venture known as the Republic of the Rio Grande under Dr. Jordan. Another Lavaca soldier, Wm. B. Patteson, was one of the fifteen spared in the massacre. He was taken to a hospital on the Rio Grande, where he tried to escape by swimming the river but drowned. He was related to the Best family, pioneer settlers of the county.

General Woll continued his retreat to the Rio Grande; the Texan forces followed him but returned to San Antonio after engaging him in a running fight on the Rio Hondo.

Amos V. Moore arrived too late to participate in the campaign against Woll, reaching San Antonio after his retreat; but he, Ben McCullough, and others, went on to Medina, where they joined Jack Hay's company of scouts.

Dr. M. B. Bennett joined Captain Beauregard's company and served in the Vasquez and Woll's campaigns.

This second Mexican invasion within a year developed an intense war spirit, and preparations were made for a counter invasion of Mexico. President Houston issued a call for two regiments, who, together with the volunteers, were to constitute an army for an active campaign. In October and November, a considerable number of troops, including about thirty men from Lavaca settlements, assembled at San Antonio. The Lavaca County men united with eighteen or twenty men from Navasota and formed a company. Isaac N. Mitchell was chosen captain, and Jas. H. Evetts of Navasota, lieutenant. The expedition, com-



manded by General Alexander Somervell, reached Laredo on December 7, after a hard march. The men suffered from cold, were scantily clad, and had little to eat. Shortly afterwards they were ordered to return to San Antonio to be disbanded. Some two hundred men obeyed the order and were discharged at San Antonio on January 7, 1843. Among these were the following Lavaca County men: Captain Isaac Mitchell, John Henry Brown, William M. Phillips, Joshua D. Brown, Beverly C. Greenwood, M. C. Rountree, O. H. Stapp, Jonathan Scott, and Shaffer Powell.

Three hundred and four men, however, refused to return. These men marched down the Rio Grande until they reached the town of Mier on December 23. Here they requisitioned food from the city authorities, and took the alcalde and priest as hostages to their camp. On December 25, a Mexican force under General Pedro Ampudia occupied the town and the Texans attempted to dislodge them. A desperate battle followed and the Texans were surrounded and persuaded to surrender. Among those who surrendered were the men from Lavaca County: Wilson Clark, Isaac Zumwalt, Matthew Alexander, Henry Bridger, and John Livergood. Instead of being treated humanely and exchanged as agreed in their surrender, the prisoners were tied together in pairs and driven on foot toward the City of Mexico. At Salado, about one hundred miles south of Saltillo, the men attacked their guards and escaped. Within a short time, however, they were forced to surrender. Wilson Clark, one of the men from Lavaca County, attempted to get back to a waterhole he had passed on the march and was recaptured by the soldiers who guarded it.

As punishment for their break for liberty, every tenth man was ordered to be shot. To decide which of them should be executed, the men drew beans from a small earthen jar, seventeen of which were black. The men who drew black beans were blindfolded, seated on a log, and shot. Bridger, Clark, Alexander, and Livergood drew white beans; Zumwalt was spared this terrible ordeal as the 17th black bean was drawn before it came his turn. Clark, when it was his turn to draw, took a handful of beans and let them slowly filter through his fingers until only one of them remained. So elated was he over his good fortune, that he forgot his ailing leg and jiggled.

The remaining prisoners were rushed to Mexico City under

heavy guard and distributed from there among various prisons. Most of them were lodged in Castle Perote, a very strong and uncomfortable prison. Living with the vermin and native prisoners on meager rations, the men were made to work burdened with yokes and chains. During their captivity, Livergood and Alexander were necked (chained) together. Many others were released on petitions of friends, a few escaped, but the majority remained in prison for nearly two years. On September 16, 1844, the independence day of Mexico, Santa Anna ordered the release of the remaining 106 prisoners. These men arrived in New Orleans—on the schooner *Creole* from Vera Cruz on October 4, 1844. Clark, Bridger, Alexander, Livergood, and Zumwalt were in this crowd and all returned to their homes in Lavaca County after the landing at New Orleans.

When Texas was annexed to the United States, the war with Mexico ensued, and the more adventurous of the settlers hastened to get into this conflict. Among these were John C. Brooks, Amos V. Moore, and M. B. Bennett. Moore joined the R. K. Goodlow Company in Sabine County and marched with it to the Rio Grande. The company was one of the units organized at Point Isabel as the 2d Texas Regiment, Colonel George L. Wood, commanding. The regiment united with General Taylor's division at Matamoros and marched to Comango, where it remained for several months until it was fully equipped. The division then proceeded overland to Monterrey, which fell before the American's assault. John C. Brooks joined General Taylor's forces at Matamoros. Dr. M. B. Bennett joined Hay's Regiment and served it as assistant surgeon throughout the war.

#### E. INDIAN DEPREDACTIONS

In addition to the difficulty of wresting a living from the soil and the game in the forest, winning his political independence, and driving the Mexican marauders from his land, the settler on the upper Lavaca was often beset with another life-and-death struggle. He was in constant danger of the hostile Indians, who attacked suddenly, made off with their lootings, and often escaped unpunished to their native haunts.

The Indians that committed the depredations on the settlers in Lavaca County were the Comanches and the Tonkahues.

The Comanches were the most numerous of the Indians in northwest Texas; ferocious and cruel by nature and in character, their sole occupation was hunting and war, for which they were well-equipped in arms and horses. The Tonkahues lived a wandering life on the margins of the Guadalupe, San Marcos, Colorado, and Brazos rivers. While not as warlike and ferocious as the Comanches, they were not lacking in a disposition to carry on war.

Gonzales, the first Anglo-American settlement west of the Colorado River and the nucleus of the settlement in Lavaca County, was settled under severe difficulties. In 1825, while Major Kerr and his companions were erecting cabins and surveying the townsite, a few Indians visited them but professed friendliness. The outpost, due to its remote location on the frontier, proved to be an easy mark for hostile Indians. On July 4, 1826, while a number of settlers were attending a holiday barbecue at Burnham's Crossing on the Colorado River, the colony was attacked, a settler killed, and his home plundered. The others sought refuge in the homes of friends in the more eastern settlements. On re-occupying Gonzales, in 1828, settlers made repeated appeals to the Mexican government to have a garrison of Mexican troops stationed in the town. In 1831, an unmounted cannon was loaned to the town, and for some time during the year a detachment of troops was stationed there.

Thereafter, the Indians confined their activities to the outlying settlers, including those on the Lavaca River. The Lavaca Valley was comparatively free of the Indians, but the country to the northwest, the Big Hill section, lying between the valley and the settlement at Gonzales, was not settled and was open to the Indians. It was frequently used by the transient tribes on their raids to the lower settlements. They would make their way through this section without being detected and fall without warning on the coast settlements. Because of their proximity to this path of the marauding savages, the northern, the northwestern, western, and southwestern portions of Lavaca County were exposed to the attacks by the Indians.

William Ponton, a member of DeWitt's colony, was killed by the Indians near his home on Ponton's Creek in 1834. It was in spring, good rains had fallen for some time and the ground was

covered with a luxuriant growth of wild flowers and grass, and game was abundant when a stray band of Comanches fell upon this settler and his companion. Ponton and his companion, named John Hays, left the house as day was breaking, May 20th, and rode out to the timber, where the Dickson or Evergreen schoolhouse once stood, to cut poles for a crib. They had been chopping about two hours and the pile of poles was steadily growing, when Ponton suddenly dropped his axe, pointed towards the top of the hill to the south, and said: "John, look yonder; what do you reckon that is?" There, just beyond the crest of the hill, was a glimpse of several figures moving about. The two men turned pale as they realized their situation. They had brought their guns with them but had left them, together with their horses and lunch basket, a full half mile below them, where they had first started in to work. They crept in behind some trees and watched the crest of the hill, where the moving figures had disappeared, but Hays felt certain he caught the glitter of a lance before they vanished. "Our only chance will be to get to our guns and horses," said Ponton. "Mebbe they haven't seen our horses. Come on, let's run for it," and throwing aside his axe, he made a run for them, closely followed by Hays. They had hardly covered two hundred yards, however, before they heard a shrill cry from the hill and saw the Indians riding down upon them, waving their lances over their heads.

A minute or two later, Ponton and Hays reached a shallow gully that stretched directly across their path; the heavy rains had made the bottom of it a quagmire, and gathering all his strength, Hays cleared it in a jump but Ponton fell short. As Hays ran on, he caught a glimpse of his comrade struggling to free himself of the mud and mire and the Indians were fast closing in upon him. Reaching the spot where they had started in to work, he saw that the horses had become frightened and had broken loose, and at the moment were galloping away across the prairie to the left. Catching up his rifle, he ran to a dense thicket of low bushes that covered two or three acres of ground on the far bank. He reached it in a few minutes and turned to look back for Ponton. The Indians were all dismounted and around the gully and he could see that his comrade was a prisoner.

Working his way deep into the dense underbrush on his hands



and knees, dragging his rifle behind him, he found his cover, and prepared to make his stand by laying out his ammunition beside him. In a little while, the Indians came up and rode around and around the thicket, sometimes venturing in a short distance, and then out. The underbrush was so dense he could only be guided by their voices. About two in the afternoon, the Indians brought Ponton up and made him call his comrade, but getting no response they continued their search. Just as night came on, they brought Ponton back again and this time in agony. He called upon Hays to come out and maybe they would spare his life, stating they had cut all the skin off the bottom of his feet. Again and again Ponton called to him as they continued to torture him and finally the Indians built a huge fire before the thicket. By and by all sounds ceased and Hays concluded his comrade had been killed and the Indians had ridden away, but he stayed in the thicket all night. He crept out of his hiding the next day and hurried to the nearest settlement where he organized a rescue party and returned to the scene. The party found Ponton, scalped and horribly mutilated, near the thicket.

Shortly afterwards, James C. Davis, another Lavaca County settler in DeWitt's colony, fell a victim to the Indians.

In the latter part of February, 1836, John Hibbins, a settler near Concrete, DeWitt County, met his wife, accompanied by her brother, George Creath, at Columbia. They were returning from a visit to her family in Illinois. The journey from Columbia to Concrete was made in an ox cart, and upon reaching Rock Camp, Lavaca County, about six miles above Sweet Home (Old Sweet Home), and within fifteen miles of home, they were suddenly attacked by thirteen Comanches. Hibbins and Creath were killed in the attack, while Mrs. Hibbins and her two children were taken captive. Their personal goods were distributed among the Indians, who made off to join a larger band of Comanches in the section. Mrs. Hibbins escaped at a point where the City of Austin now stands, but her infant had been killed by the savages on their journey to the hills. Her other son was recovered a few days later by a party of men under Captain John J. Tumlinson, who defeated the Indians in a gallant fight. Mrs. Hibbins later settled in Lavaca County, and married Phillip Howard, who in 1846 was elected the first treasurer of the county.

On March 4, 1836, the Tonkahues attacked the families of Douglass and O'Dougherty on Clark's Creek. The Douglass family lived in the neighborhood known as Burnt Camp, south of Sweet Home, and consisted of John Douglass, his wife, a daughter, and three sons, two of the latter being Augustine and Thadeus, ages 15 and 12 years. O'Dougherty was a widower with three children, two daughters ages 14 and 12, and a boy 10 years of age. These Irish families had come to Texas in 1832 from Pennsylvania and were neighbors. Most of the families in the county had departed for the east in the "runaway scrape," and Douglass and O'Dougherty were hastily constructing and improvising sleds with which to join the wild flight. On the morning of the 4th, Augustine and his brother Thadeus were sent out by their father to find and bring in the oxen to draw the sleds. Returning in the afternoon, at a short distance from home, they saw that the cabins were on fire, and heard the war whoops of the Indians and the screams of their kin and neighbors. Unarmed and powerless, they sought a hiding place in a thicket nearby and remained there until dark. In the night, they cautiously approached the smoldering ruins, found the scalped bodies of their father and mother, sister and little brother, and of O'Dougherty, one son and two daughters, lying naked in the yard. Overwhelmed by grief but in great fear of their lives, the two boys departed at once and set out for the settlement on the Lavaca (Zumwalt). Here they found that everyone had departed; they then followed the Lavaca down its course about thirty-five miles, where their older sister, the wife of Captain John McHenry, and a few others lived, but found that they all had been gone some time. Then they took the old Atascosita road from Goliad which crossed the Colorado a few miles below Columbia. Near the Colorado, almost starved to death, they fell in with some scouts of the Mexican army and were conducted to the camp of the Mexican general, Adrian Woll, a Frenchman, who could speak English. To him they narrated their sad story. Woll received them kindly and attended to their needs. In a few days, the boys were taken by a Frenchman, named Auguste, a traitor to Texas, to his place on Cummin's Creek, where he had collected a lot of negroes and a great many cattle belonging to the retreating citizens, from which he supplied Woll's army with beef at enor-

mous prices. April 21st passed and the news of the Texan victory at San Jacinto reached Auguste's camp and preparations were made for the retreat. Auguste, mounting Augustine Douglass on a fine horse, sent him down to General Woll's camp to learn when Woll would start. In the meantime, a party of Texans under Captain Allison York, who had heard of Auguste's activities and knew his place, attacked Auguste's camp, driving his followers into the bottoms and into Woll's camp. When York's party opened fire, Thadeus Douglass, not knowing his rescuers were near, fled down the road to Woll's camp, and met his brother Augustine returning on the horse. Thadeus mounted behind and the two boys made off for the Brazos on a gallop. They had not traveled many miles before they met Capt. Henry W. Karnes at the head of a cavalry detail. In the course of time, they joined their sister and her husband, Capt. John McHenry, a soldier and veteran of the battle at New Orleans in 1815, and later a veteran of the Mexican revolution. In 1837, the boys returned to their home in Lavaca County, found the bleaching bones of their kin and neighbors lying undisturbed where their bodies had fallen at the hands of the savages. Both remained as settlers of the county for the remainder of their lives, Augustine Douglass dying July 18, 1889.

In the fall of 1837, a raiding party of Comanches, about thirty in number, was detected in the Big Hill section. At daylight, they attacked DeWitt Lyons and his son, Warren, as they were working in the cow lot. Lyons was one of the first immigrants to Austin's colony, and had settled in the northern part of the county, near the Fayette County line. The Indians killed the defenseless old man, scalped him, took his son as a prisoner, and carried away with them a large stock of horses. The little boy remained with the Comanches until his recovery in 1847, when he appeared at San Antonio with a party of Indians on a trading expedition. He was nearly grown and barely recognized his grief-stricken mother. J. H. Livergood, County Judge of Lavaca County in 1852 and one of the survivors of the Mier expedition, recalled the incident as follows:

"In October, 1837, shortly after I reached the Lavaca River, the Comanche Indians made a raid on the settlement of the Navidad, near where Schulenburg now stands, killing a Mr. Lyons and taking

captive his son Warren, age 13, whom they kept for ten years. At this time there were but ten families in the bounds of this county, or rather this portion of Gonzales County, and hence there were but few to pursue. A company of thirteen was mustered, however, some of whom were from Fayette County, and started in pursuit. Among those in this little band, I recall the names of James and Anthony Brown, Tucker Foley, W. H. Baldridge, David Kent (son of Andy Kent who fell with Travis in the Alamo), Pat Dorathy (Dougherty), Andy Zumwalt, Wm. Berntham, — Burbanks, and a Mr. Stifner, a recent arrival from the old states. They pursued the Indians northward into the mountains, where they struck another trail coming south, which they took and came upon the Indians on Big Brushy, near where Yoakum now stands. A battle ensued, in which our party lost one man, Mr. Stifner, and had several wounded, but killed four Indians and captured thirty-two horses. Judging from the number of horses, we supposed that there were thirty-two Indians. The horses were brought to Captain Adam Zumwalt's, on the Lavaca River, near where the Mossy Grove church now stands. Next day a small party returned to the scene of the conflict and buried their comrade, Mr. Stifner, which was, indeed, a sad duty, considering the fact that he had just arrived from the states."

In 1838, Archie Smothers, the youngest son of John Smothers, and a companion named Nunnelley were camped on the Lavaca River near the Hallett settlement, making boards. There, at night, they were surprised and killed by the Indians. On the same day, just above Smothers' camp on the west side of the river, a band of Indians pursued a settler to the door of his home but luckily did not harm him with their arrows. J. H. Livergood recalled the incident as follows:

"Again, in 1838, a small party of Indians stole down upon the Lavaca River, near where Mossy Grove Church now stands. At this time I was making my home with Adam Zumwalt. Late in the evening several of us concluded to go into the field for some melons. I bore close to the bushes, in which I saw some persons, and hailed them, without receiving any reply. They proved to be Indians. Next morning we gathered a company of fifty-six men and started on their trail. Near Hallettsville, we found where they had killed Arch Smothers, uncle of our ex-sheriff, and a Mr. Nunnelley, whom we buried near the graveyard south of Hallettsville. From thence the Indians went through where Hallettsville now stands, crossed the Lavaca near where Dr. Lay lives, passing right between the residences of Barney and James Brown, who lived about 300 yards apart. They drove all the horses with them, leaving none with which to pursue."



In the early part of 1839, W. P. Brashier, a veteran of the Texas Revolution, came to Lavaca County for the purpose of locating lands, and while in the county boarded in the home of W. R. Hensley, who lived on the Rocky fork of the Navidad River in the northern part of the county. Although that section of the country was frequently visited by marauding Indians, Brashier would often, in spite of Hensley's warnings, go out alone and unarmed to examine lands ten, fifteen, and twenty miles from the home. On two occasions he met hostile bands and barely escaped with his life.

"Big Foot" Wallace, a few years after his arrival in Texas, in his adventures met an "Indian Hater" in Lavaca County. Returning from an exploring trip to the Nueces River, Wallace and eight companions camped for the night on the western bank of the Lavaca River, a few miles below the Zumwalt settlement. No watch was kept as they felt secure. They awoke, however, to find their horses gone. They made their way to the settlement on foot, were given horses, and set out after the Indians, reinforced by four settlers and Jeff Turner, the Indian hater. Some years previous, according to Wallace's account, Turner, with his wife and three children, had settled on a creek that drained into the Guadalupe River. He returned from a hunt one day to find his wife and children murdered by the Indians. From that day on, his work was to kill every Indian he could. He made his camp on the Chicolete, a creek in the southern part of the county. From here, he was constantly on the trail of the Indians, going as far west as the Rio Grande. At the time he met Wallace, he had collected forty-six scalps that were hanging in his camp, but wanted a "cool hundred" of them before he died. Wallace and his men found the camp of the Indians, attacked them and recovered the horses. In the fight, Turner collected four additional scalps, and left immediately for his camp. In the next few years he occasionally appeared at the Zumwalt settlement for provisions and ammunition and always had four or five additional scalps to account for his absence. He eventually disappeared from the settlement, and it is generally supposed that he finally fell a victim of the savages.

Friendly Indians were scarce and these were generally nuisances, through begging and petty thievery. Upon one occasion,

a number of Indians came to the home of Mrs. Hallet and begged for whiskey, a barrel of which she had in her storeroom. She was unable to persuade them to leave, and one of the Tonkahues took it upon himself to get to the barrel, whereupon Mrs. Hallett picked up a hatchet and raised what she called a "knowledge knot" on his head. The band left, cheering her and exclaiming that she was a "dangerous squaw." It is said that Lolo, chief of the tribe, when he learned of the incident, made a call on Mrs. Hallet and had her to relate the story to him. The demeanor of this frontier woman so pleased him, he made her an honorary member of his tribe, and was known as the Brave Squaw. These Indians were enemies of the Comanches, and more than once alerted Mrs. Hallet and her neighbors on the Comanche raids and enabled them to escape harm.

Other settlers in the county lived to tell of their experiences with the Indians. On one occasion, John H. Livergood "dusted" a Red Skin out of his fireplace chimney. His home was always securely bolted from within and he was awakened one night by a scraping noise made by an Indian who was trying to gain entrance through the chimney. The Indian left hastily when he learned Livergood had been roused. Some years later on a Christmas morning, Livergood left his home to get a wild turkey that he heard calling on the creek. The chase drew him nearly a mile away from his home when he fortunately located an Indian with a drawn bow hiding behind a tree. The Indian sought cover when Livergood drew a bead on him with his single loader. He then made his way back home, always keeping his foes at a distance with the rifle he never fired.

John M. Ashby, one of DeWitt's settlers, had located on the Lavaca River just a few miles below the home of Mrs. Hallet but on the western side thereof. His daughter Ann had married Bartlett D. McClure in Kentucky, and they arrived in Texas in 1830, settling on their league of land in Gonzales County on the eastern side of Peach Creek. Illness and death plagued the family of John M. Ashby, and his daughter Ann and husband made many visits to the Lavaca home. In 1839 while she and her husband were on their way home from one of these visits, they were set upon by a war party of Comanches at a point about six miles from where Shiner now stands. The McClures were horseback

and the Indians attempted to run them down. In the chase they became separated and Mrs. McClure was pursued to a point on Boggy Branch where the banks were almost upright and a chasm about twelve feet across lay directly in her path. Escape seemed impossible and the Indians closed in expecting to make an easy capture. Riding her horse at full speed up to the brink, Mrs. McClure applied the whip and gathering the reins up tightly she jumped her horse across the branch. In her own words, Mrs. McClure in 1893 (then Mrs. Charles Braches) recalled the incident as follows:

"I didn't expect him to be able to jump clear across but I thought he would strike his feet in the opposite bank and I would be able to jump out over his head, but when he landed he managed to scramble up the bank and we galloped away safe and sound. The Indians rode up to the place and whooped and whistled and shook their spears at me but they didn't dare to try to make the leap that I did. Mr. McClure took an opposite direction when we became separated and I thought all along that he was killed, but he succeeded in reaching the crossing above and joined me several miles further on. The Indians had spears which they had fastened to their wrists. These they threw at us several times during the early part of the pursuit, their object being to cripple our horses."

They reached their home in safety. Mr. McClure died in 1841, but Ann Ashby bravely carried on their farm and upon the death of her father and mother, she took the job of rearing the Ashby family: Mary, who married John Smothers; Isabella, who married Henry E. McCulloch in her home in 1840; Fanny, who married a Mr. Gilham; Erphemia, who married Wm. G. King of Seguin; William, who died young; and Travis G. Ashby, who later became a captain in the Confederate Army. In 1843, she married Charles Braches and they lived on the old homestead until his death July 6, 1889.

On August 5, 1840, while en route to Gonzales on the road from Columbus and just west on Ponton's Creek, Dr. Joel Ponton and Tucker Foley encountered twenty-seven mounted Indians and were chased back to Ponton's Creek. When his horse sank in a "hog wallow," Foley dismounted and sought refuge in the timber, but the Indians surrounded him and cut off his escape. He surrendered when they promised him protection. He had hardly given up his gun when they tied his hands and feet and

peeled the bottom of his feet. He was compelled to walk over freshly burnt grass, and afterwards was killed. Ponton's horse was killed and he was wounded, but he escaped by crawling through the bottom lands; handicapped by his wounds, he did not reach home until the following night. The alarm was given and the following day, thirty-six men under Adam Zumwalt hastened to the scene, found and buried Foley, and then followed the trail of the savages. Among the men were the following: Arthur Sherrill, John Smothers, Richard Heath, John W. Hinch, Richard Veal, Henry Bridger, Wilson Clark, Thomas K. Zumwalt, Montreville Rountree, David Ives, Anthony Brown, William Smothers, Mason B. Foley, Stewart Foley, Jesse Robinson, Mark H. Moore, David Kent, W. H. Baldrige, Patrick Dougherty, and Cicero Rufus Perry, later a hero of Hays County, but at that time on a visit to the family of Arthur Sherrill. The Lavaca men were joined on the Boggy Creek by Ben McCulloch and twenty-four men and further down by John J. Tumlinson and sixty-five men from the Guadalupe. Sixteen miles east of Victoria the combined force had a slight skirmish with the Indians on the 9th in which William Smothers killed the only Indian slain. As told by Lucy Turk, the incident was described as follows:

"So when they had the battle, all the Indians were then all bunched up and the old chief kept daring all of them. He kept circling all around. He was decorated all over in ribbons made of calico, feathers in his hair. He was riding a big paint horse, and he kept daring them all, and Grandpa Smothers shot him off of his horse."

The men were not well armed and a body attack was not advisable. While waiting for ammunition and supplies, the Indians retreated and were not overtaken until they reached Plum Creek in Caldwell County. Here the combined Texan forces under General Felix Huston overwhelmingly defeated the Indians.

In describing the role her father, John McKinney, played in this raid, Ellen McKinney Arnold in 1905 wrote:

"Tucker Foley was killed in about two miles of where Moulton now stands, and was buried under a big live oak tree. Father dug his grave with a butcher knife and wrapped him in a saddle blanket made out of cotton. When father found him, he was naked, had been scalped, and was hanging to a tree, tied up by his hamstrings.

Nearly all the people in Lavaca County pursued the Indians,



over took them and had a big fight. There were about thirty-seven men from Gonzales; my father was among the number who were joined by other volunteers.

Mason Foley brought back his brother's horse and rifle; he said he killed the Indian that had them, and that he believed he was the one that killed his brother. I saw the horse and rifle several years afterward; the horse was a bay, and the rifle was a flint-rock rifle. Mase told me after the fight was over he killed all the squaws and tried to find his brother's scalp, but it was lost."

In May, 1841, a Minute Company was organized at the home of John Clark near the Zumwalt settlement. Adam Zumwalt was elected captain and Arthur Sherrill lieutenant. Nearly every able-bodied man in the settlement and nearby belonged to it. It made two short scouts in 1841 when rumors of danger reached the settlement, found no Indians about, but gave the settlers an added feeling of security.

In June, 1841, a party of about twenty Indians, at the head of the Half Moon League, surprised and charged upon three men, who were hunting horses. They killed a settler named Callahan, slightly wounded Hardin Turner with a lance, and Williams, the third one, escaped without a scratch. A company of men from Gonzales, under Ben McCulloch, pursued the Indians but returned without having caught up with them.

Thereafter, the Indians gave no trouble to the settlers as far east as the Lavaca River.

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## CHAPTER II



## *The Organization of Lavaca County*

Originally a part of Fayette, Gonzales, Victoria, Jackson, and Colorado counties, the county of Lavaca was created on April 6, 1846, and organized on July 13, 1846. Gonzales County was one of the political divisions of the State of Texas under the Mexican government. The other counties had been created by acts of the Congress of the Republic of Texas.

### A. THE DEFUNCT COUNTY OF LA BACA

The first effort to organize the county was in 1842. At this time the Congress of the Republic of Texas created and organized several counties in addition to those already in existence. The great increase in population and wide settlement throughout the state made these expedient. The county of La Baca was one of them.

In June, 1842, the Sixth Congress passed a joint resolution to lay out and organize the county of La Baca. President Sam Houston returned this resolution to the House of Representatives with his veto on June 12. He was of the opinion that the act establishing the county was a violation of Section 5 of the First Article of the Constitution, which provided that each county was entitled to at least one representative in the House of Representatives. As La Baca County was denied this, he held the act creating it unconstitutional and withheld his approval. On June 26, the House of Representatives reconsidered the act and passed it over the veto of the President. The Senate concurred with the House and passed the resolution with a constitutional majority. Joel Ponton, Richard Veal, James Brown, Thomas Chaudoin, and John Smothers were appointed commissioners to select two eligible sites for the county seat. The permanent site was to be decided by a vote of the people. Until that time, the home of Mrs. Margaret Hallet was set as the place for holding the district and county courts. The first Monday in February, 1843, was set for the election of the various county officers. On February 5, 1843, a supplementary act postponed the county election until the first Monday in March.



Whether or not the organization of La Baca was ever completed is not known. The establishment of the "judicial counties," as they were called, resulted in litigation. In the lawsuits that followed, the courts of the Republic vindicated the judgment of President Houston, when they declared the acts creating these counties unconstitutional, as being in conflict with Article 1, Section 5 of the Constitution of Texas, which declared that "each county shall be entitled to at least one representative."

#### B. THE ORGANIZATION OF THE COUNTY OF LAVACA

The Congress of the Republic of Texas, having exhausted the quota of representative counties allowed by the Constitution and having its acts creating "judicial counties" declared unconstitutional, could create no additional counties. This caused great inconveniences and serious burdens to the people who lived distances remote from their respective county seats. In 1846, the Constitution of the Republic of Texas was displaced by the Constitution of the State of Texas. The limitations above described were fortunately removed, and the first State Legislature set about adjusting the conditions. It created thirty-two new counties. The county of Lavaca was one of them.

On March 30, 1846, the Senate passed the bill to create the county. On the same day, it passed a bill to locate temporarily the county seat. The bills were subsequently passed by the House of Representatives and approved by the Governor. The act defined the limits of the county.

Samuel Barry, James Brown, Beverly C. Greenwood, John Clark, and Gabriel Zumwalt were appointed commissioners to locate the county seat until otherwise directed by law.

On July 13, 1846, an election was held at Clark's Mill to elect the officials for the newly organized county. This was pursuant to an order of Jas. W. Baker, then Chief Justice of Gonzales County. Richard Veal was appointed presiding officer, but, failing to act as such, Albert G. Foster was chosen by the voters present. He designated Phillip Howard and Jno. Cheney as judges, and M. H. Hinch and John Henry Brown as clerks. Together they conducted the election and seventy-nine voters participated, to-wit:

Isaac Kent	Peter Gephardt	John Greenwood
Thos. Hennessee	Ira McDonald	William Hudgeons
Henry Vollentine	Eben Best	J. B. F. Woodard
Hardy King	T. W. Brundidge	E. M. Bennett
Franklin Clark	B. H. Stribling	William Greenwood
Joseph Ryan	F. L. Mudd	Joseph Lentz
Henry Ryan	Henry Mims	John Cheney
B. Tolliver	E. Murphy	James Ryan
Harrison Baldrige	George Miller	Adam Zumwalt
L. B. Cheney	B. Greenwood	Jefferson Mims
John P. Foley	William Byar	David Ives
Thomas Chaudoin	D. Laughlin	John Calahan
John Crawford	D. A. Calaway	N. J. Ryan
Gabriel Zumwalt	James Short	John Clark
Hiram G. Foley	Samuel Long	Anthony Brown
Stephen Best	M. H. Hinch	E. B. Fowlkes
J. Robinson	James Billings	John R. Foster
Sam Barry	James Brown	Andrew Ponton
Francis M. Cheney	Richard Heath	Michael Murphy
Thos. K. Clark	Isaac Mitchell	Michael Tucker
Robert McClure	Adam Coble	Phillip Howard
J. H. Hoskins	Hudson A. Greenwood	Ed. W. Williams
Felix Holster	William Mays	William Ryan
Thomas Zumwalt	Bernard Brown	J. B. Arnold
Gideon Blackburn	John W. Hinch	R. E. Brown
John Malone	Joseph Dufner	John Henry Brown
Allen Brooks		

The following officers were elected:

	<i>Chief Justice</i>	
Andrew Ponton		56 votes
	<i>Presiding Judge</i>	
B. H. Stribling		74 votes
	<i>Sheriff</i>	
M. H. Hinch		73 votes
	<i>County Clerk</i>	
J. Dowling		71 votes
	<i>District Clerk</i>	
N. J. Ryan		38 votes
D. Laughlin		41 votes
	<i>Assessor-Collector</i>	
Gabriel Zumwalt		47 votes
R. E. Brown		24 votes
	<i>Commissioners</i>	
Gideon Blackburn		39 votes
Thomas Chaudoin	(elected)	56 votes

J. Ryan	(elected)	52 votes
W. H. H. Baldridge	(elected)	60 votes
E. Best	(elected)	54 votes
David Ives		38 votes
<i>Justices of Peace</i>		
Phillip Howard		69 votes
Samuel Long		69 votes
<i>Constable</i>		
Felix Holster		65 votes

On August 31, 1846, the county court held its first session, and accepted the donation of 300 acres from Arthur Sherill as the town site for the county seat. It was a wooded area on the east bank of the Lavaca River near the central portion of the county and within a quarter of a mile of the Zumwalt settlement. The court further ordered that the county town, as it was styled, be called Petersburg.

William A. Sheppard was employed to survey the town into twelve blocks and a public square. Actually 25 blocks were surveyed out. Each block was divided into six lots, 50 feet wide and 100 feet deep; and the streets dividing the block were 60 feet wide. October 12, 1846, the price of the lots fronting on the square was set at \$30.00; the back lots were priced at \$20.00. Sale of such lots was to be advertised in the *Victoria Advocate*, and the sale was set for November 2, 1846. Michael Hinch, the sheriff, was appointed to sell the lots, and was allowed \$2.00 for his services. Sales on November 2, 1846, did not come up to the expectancy of the commissioners and the town promoters; three weeks later the prices set were reduced to \$20.00 and \$10.00 respectively. The timber on the town sites of 300 acres was set aside for the use and benefit of the purchasers of the town lots.

Wm. P. Ryan qualified as the first notary public in the county, when his bond as such was approved by the court, September 14, 1846; C. Ballard qualified February 13, 1847.

The court set the first tax rate as 25% of the state tax and was "to be assessed upon all such property, professions, trades, callings" as specified by the statute. Gabriel Zumwalt, the assessor and collector, listed 140 taxpayers on the first tax roll. The roll listed 304 slaves, 412 horses and mules, 3,581 head of cattle, seven wagons, one piano, one set of blacksmith tools, and four sets of furniture.

The first county warrant was issued January 1, 1847, to Phillip Howard, the county treasurer, for \$20.00 advanced by him three months prior for the purchase of books for the county and district clerks.

### C. COUNTY ADMINISTRATION AND ITS DIFFICULTIES

The newly established county government had many problems, and worked under great difficulties, and adverse conditions. Taxes, roads, election precincts, county boundaries, headright certificates, election contests, misconduct of officials and resignations, accounts, and terms of court were but a few of the many vexing problems.

The county revenues, due to the low tax rate, were very small; the tax rate set in 1847 at twenty-five per cent of the state tax was increased to one-third of state tax in 1848, further increased to one-half in 1850; in 1860, it was 12½ cents on a \$100 valuation and assessment.

On January 10, 1848, the county was divided into three election precincts and presiding officers were appointed as follows:

<i>Precinct</i>	<i>Presiding Officer</i>	<i>Location</i>
No. 1	Wm. J. Townsend	Petersburg
No. 2	Rufus E. Brown	At School House near Mustang Creek, near S. Bennett's
No. 3	Amasa Turner	Wm. T. Bass' Grocery near Thomas Chaudoin's on the Navidad

On February 19, 1849, this order was amended so as to have four precincts and the presiding officers as follows:

<i>Precinct</i>	<i>Presiding Officer</i>	<i>Location</i>
No. 1	John Livergood	Courthouse, Petersburg
No. 2	Wm. McElroy	Rocky School House
No. 3	Thomas Bishop	Residence of Thomas Chaudoin
No. 4	A. G. Foster	Schoolhouse in the town of Hallettsville

In February 1850, two more precincts were added with Dr. M. M. Box as presiding officers for Precinct Five at Dr. Box's



residence on the Navidad River; and Joseph Ryan for Precinct Six at Wm. Kelly's residence on Kelly's Creek

Roads were surveyed, marked, and opened by the Court shortly after its organization. Prior thereto the only roads of significance in the county were the La Bahia (Goliad) road, traversing the county north and south in the western part thereof, and the Gonzales-Columbus road, crossing the northern part of the county. At best, these roads were hardly more than blazed trails. As the county was settled, lateral or feeder roads were opened. The county town, as it was called, if it were to serve its constituents, had to have roads leading to it, and the first attention of the Court was given to these. Isaac Mitchell, Phillip Howard, and A. G. Foster were appointed as commissioners by the Court to "view, mark out, and open a road to run from the crossing on Navidad River near Thomas Chaudoins', thence nearest and best route to Petersburg." This was followed by the appointment of Adam Zumwalt, Richard Heath, and Jesse Robinson to view and lay out a road from Petersburg to Port Lavaca; this was later amended to fix the course of the road from the county town to intersect the Victoria road at some suitable point. The Court then designated a road "from Thomas Chaudoin on the Navidad River, thence to Gideon B. Blackburn on Mustang Creek" to form a connection with the route from LaGrange to Chisholm's Ferry. Still a fourth road was designated, "commencing at Isaac N. Mitchell, thence to Hallettsville to some suitable point on Rocky Creek so as to intersect the Victoria road." The orders designating the roads usually contained an order appointing a road overseer, and further ordered settlers on the road to work in opening and maintaining it, as, for example, the order of January 10, 1848, John Greenwood was appointed overseer of a road "running from Hallettsville to W. Thompson on Gepharts' on Mustang Creek to cross Rocky Creek above Dr. Dickersons," following "near as possible the blazed trail from Hallettsville to Rocky," and John Greenwood, Stephen Bennett, Wm. Thompson, John Metcalfe, Peter Gephart, Dr. Dickerson, Ira McDonald, A. Boldridge, A. Lynch, and Wm. McElroy were ordered to work the road. By order, the Court in 1848, required all roads to be clear of timber for a distance of twenty feet. By order, in 1849, the overseers had to erect "finger boards" on precinct roads and give the distances.

Establishing the boundary lines of the county was a task undertaken by the first Court. It was done piecemeal and not completed in the first fifty years of the county's organization. The Court first requested competitive bids on the job of establishing the lines. By November, 1847, no bids had been submitted, and in February, 1848, A. M. Dodd was appointed to survey the north boundary line. On April 10, 1848, the Court refused surveyor James N. Smith's account for \$30.00 for running the western boundary line between DeWitt and Lavaca counties—a distance of 47,000 varas; instead it allowed him the sum of \$25.00. In September, 1848, the Court appointed C. M. Dodd and David Ives to "make out a full, complete and perfect map of the boundary of Lavaca County by surveying," requiring them to notify the surveyors of adjacent counties and setting a date to work out the lines. The Victoria County line was completed in May, 1849; the others had to wait for many years.

The salaries of the county officials were so meager that they were compelled to follow private enterprises and professions; this to the neglect of their duties. Some officials were not residents of the county town. Often times, the commissioners, and in one instance, the sheriff (M. Hinch), were fined their entire salary to compel their attendance. Various other officers, particularly the non-residents of the county town, had to be subpoenaed to get them to the office to attend their duties. In the April term, 1848, Richard Veal, one of the sureties on the bond of Nicholas Ryan, sheriff, informed the court of his "unwillingness to be security on the bond of said sheriff"; whereupon the court decreed this office to be vacant, and had to appoint another, A. M. Dodd. In February, 1849, the court cited M. B. Bennett, a resident of Hallettsville, as assessor and collector "to appear at this courthouse and make settlement between him and the treasurer." At times the problems tried the patience of the commissioners sorely, for on August 21, 1849, Commissioner Thomas Chaudoin was assessed a fine of fifty cents for swearing in court; it was promptly paid; he then submitted his resignation as road overseer, which was accepted by the court. November 19, 1849, A. G. Foster, treasurer and resident of Hallettsville, was cited to appear at the next term of court and show cause why he did not keep his office at the county seat of the county. September 4, 1850, the court met

to hear the election contest of David Ives, incumbent, and James Johnson, as commissioner in Precinct Two; Johnson was declared elected. At other times, the court had to adjourn from day to day because of the absence of the judge; in 1850, the chief justice (county judge) W. T. Townsend resigned; on November 18, 1850, J. H. Livergood qualified as his successor.

The court, too, had to hear applicants for headright certificates, land certificates issued to emigrants, and the witnesses establishing their claims. These applicants reflected the progress of the settlement of the county. Thirty-one certificates were issued from November, 1846, to March, 1850, as follows:

1. Hudson A. Greenwood, Nov. 2, 1846, 320 acres; established by W. Greenwood and Isham Tate.

2. Bevally C. Greenwood, Nov. 2, 1846, 320 acres; established by W. Greenwood and Isham Tate.

3. Noah Zumwalt, Nov. 2, 1846, 640 acres, for conditional certificate issued him on Sept. 6, 1839; established by H. W. Baldridge and Andrew Zumwalt.

4. Ira W. McDonald, Nov. 2, 1846, 1280 acres as married man; established by H. W. Baldridge and F. L. Cheney.

5. William J. Ryan, Nov. 2, 1846, 320 acres of land; established by James Ryan and Patrick Dougherty.

6. Peter Gephart, Nov. 2, 1846, 640 acres; established by Patrick Dougherty and Ira McDonald.

7. John Hinch, Nov. 2, 1846, 320 acres in lieu of conditional certificate of 320 acres issued by Gonzales County, Nov. 5, 1839; established by Harrison W. Baldridge and Richard Veal.

8. John D. Clare, Nov. 2, 1846, 640 acres in lieu of conditional certificate of 640 acres issued by Jackson County, Aug. 6, 1842; established by H. W. Baldridge and Ira McDonald.

9. Richard Vail (Veal), Nov. 2, 1846, 640 acres in lieu of certificate of 640 acres issued by Jackson County, May 29, 1839; established by Richard Heath and H. W. Baldridge.

10. Jacob Woodward, Nov. 2, 1846, 640 acres for certificate for 640 acres issued by Washington County, Dec. 12, 1839; established by H. W. Baldridge and E. Allcorn.

11. Amis V. Moore, Nov. 23, 1846, 320 acres; established by C. Ballard and David Laughlin.

12. Stewart Foley, Jan. 18, 1847, 320 acres; single, arrived in Texas, Oct. 8, 1838; established by Thomas Chaudoin and James Ryan.

13. Stephen Bennett, Jan. 18, 1847, 640 acres, married, arrived in 1840; exchanged for certificate issued by Washington County; established by M. B. Bennett and W. J. Ryan.

14. Elisha Bennett, Jan. 18, 1847, 320 acres, single, arrived in 1841; exchanged for certificate issued by Washington County; established by M. B. Bennett and W. J. Ryan.

15. Charles Bradley, Jan. 18, 1847, 320 acres, single, in state previous to 1840; established by Patrick Dougherty and James Ryan.

16. Levi Boatwright, Jan. 1847, 1/3rd league; single in state previous to declaration of independence (1836); established by Lewis Boatwright and Thomas Chaudoin.

17. William Boatwright, Jan. 18, 1847, 1/3rd League, single, in state previous to 1836; established by Lewis Boatwright and Thomas Chaudoin.

18. James Callahan, Jan. 18, 1847, 320 acres, arrived prior to declaration of independence, 17 years of age previous to 1840. (Jan. 4, 1839); established by W. J. Ryan and James Ryan.

19. Elija Kelley, Jan. 18, 1847. 320 acres, arrived prior to declaration of independence; established by Josiah Dowling and Thomas Chaudoin.

20. Albert G. Foster, Jan. 18, 1847. 320 acres, single, arrived 1840; established by Charles Bradley and Thomas Chaudoin.

21. Gideon B. Blackburn, April 12, 1847. 320 acres, single, in state since 1839, exchanged for certificate issued by Fayette County; established by Thomas Chaudoin and Richard Veal.

22. George W. Clark, April 12, 1847. 320 acres, in Texas since Jan. 1, 1839, exchanged for certificate issued by Jackson County; established by Thomas Chaudoin and Richard Veal.

23. Samuel W. Barry, July 12, 1847. 640 acres, married, arrived in state in Nov. 1840; established by W. J. Ryan and James Ryan.

24. Benjamin Stribling, Oct. 11, 1847. 640 acres, married, in state since 1841; exchanged for certificate issued by M. B. Bennett and John Greenwood.

25. Mrs. Elizabeth Goodman, May 21, 1849. 640 acres, family, in state since 1839, exchanged for certificate issued by Harris County; established by M. B. Bennett and W. J. Townsend.

26. Oliver Crenshaw, May 21, 1849. 320 acres, in state since 1839, exchanged for certificate issued by Harris County; established by M. B. Bennett and W. J. Townsend.

27. Robert Cummins, Aug. 20, 1849. 640 acres, issued to his widow, Elizabeth Ann Hicks, exchanged for certificate issued by Nacogdoches County; established by James Ryan and Jesse Robinson.

28. Samuel A. Long, Feb. 18, 1850. 640 acres, exchanged for certificate issued by Fort Bend County, Sept. 6, 1838; established by James Ryan and W. J. Ryan.

29. Louvisa I. McFarland, Feb. 18, 1850. 640 acres, exchanged for certificate issued by DeWitt County, Dec. 24, 1839; established by James Ryan and W. J. Ryan.



30. Benjamin F. Clark, Feb. 18, 1850. 320 acres, exchanged for certificate issued by Gonzales County, Sept. 30, 1839; established by David Ives and J. H. Livergood.

31. George W. Guthrie, Feb. 27, 1850. 320 acres, exchanged for certificate issued by Victoria County, Dec. 26, 1839.

But by far the most difficult problem was providing housing facilities for the county offices and the courts. Upon its organization in 1846, the home of Franklin Clark was selected for the meeting of courts and the office of County Clerk until a courthouse could be built. On April 12, 1847, the county purchased from Josiah Dowling, a log house located on Lot No. 3, Block 16, Petersburg, for the sum of \$45.00 for a temporary courthouse. It was far from adequate. The County Clerk's and District Clerk's offices were housed in the home of Josiah Dowling from 1847 to 1851. Court attendants and the Grand Jury were housed in the neighboring homes. County prisoners were guarded by private citizens, who usually locked them in their homes or barns. On February 27, 1850, the motion of Commissioner Hiram Harles to construct a courthouse building 20 x 25 feet was defeated by a vote of 3-1. On August 24, 1850, the court appointed a committee to draft plans for a courthouse building and to estimate the costs. A month later, the committee reported, recommended a two-story building 28 x 20 feet, two offices downstairs with two doors and one window in each room; upper story to be courtrooms with two windows. The court did not adopt the committee's recommendations, but in November, 1850, submitted one of its own and ordered a courthouse to be built on the square at Petersburg. They proposed a two-story building, 40 x 24 feet; four rooms in lower story, court rooms in upper story; sealed proposals for its construction to be submitted. Nothing was undertaken as the court could not agree on the method of financing. Public auction of the town lots set for December 25th were then undertaken, the proceeds to go to the construction of the courthouse. The sales fell far short and did not reach expectations, and so the matter rested until early April, 1850, when the building used as a courthouse, church, schoolhouse, and sheriff's office burned to the ground. The origin of the fire was a matter of conjecture, but incendiarism by the Petersburg promoters was alleged. None the less, the fire precipitated prompt court action; bids on the plans

adopted by court were to be submitted in November, but the cost of building was not to exceed \$800.00. For the time being, District Judge Jones and the members of the bar held court under a favorite live oak tree nearby. In May, Spencer Townsend sold the county a log house, formerly used by him as a store house, for the sum of \$25.00; this was to serve as the courthouse until better quarters could be secured. At this time the \$800.00 to be used in the construction of a new building, interest at 12½% was authorized. Spencer Townsend secured the contract and received a draft for \$800.00 on its completion. The building was built by Thomas Saunders and John Wonenburger. It was built of native lumber, and hewn by hand. The weather boards, hand-made out of post oak, covered it.

The construction of a county jail was also authorized, but its construction was delayed until the county seat election, then forthcoming, would permanently decide the county seat.

#### D. THE COUNTY SEAT ELECTION AND THE ARCHIVE WAR

In November, 1851, the county court appointed H. K. Judd, Spencer Townsend, and R. B. Willis, all residents of Petersburg, to petition the State Legislature to make Petersburg the permanent location of the county seat. Judd was the deputy county clerk; Spencer Townsend was the town merchant; Willis was a lawyer who lived at the county seat. Willis drafted the petition, advising the Legislature that the removal of the county seat to any other point would be "impolitic and unjust." To remove it elsewhere, he contended, would be a breach of faith of the county government with the citizens who had donated three hundred acres for the present site, and with the many citizens who had bought the town lots believing it to be the permanent county seat and had erected valuable improvements. In the petition, he listed the advantages of the town of Petersburg as:

1. Site is "located within two miles of the center of the county."
2. "Situation (site) is healthy and convenient to an abundance of timber and water."
3. "There are good and convenient roads to it from all points of the county."
4. "There are two mail routes through it" and the site (Zumwalt settlement) is the terminus of another.
5. "There is erected a large and convenient courthouse" on the site at a cost of \$800.00.

Should the Legislature, in its discretion, not enact a law designating Petersburg as the permanent site, then, Willis contended in the petition, it should embody in the law the provisions of an Act of 1838 which required a two-thirds vote to change the site of a county seat.

The petition was circulated at Townsend's store and was signed by eighty-three residents, to-wit:

- |                         |                          |
|-------------------------|--------------------------|
| 1. John Clark           | 38. R. R. Walton         |
| 2. A. H. Nuveatt        | 39. Math. Murphy         |
| 3. A. L. D. Lewis       | 40. R. E. Boothe         |
| 4. A. Sherrill          | 41. S. Debord            |
| 5. James A. Long        | 42. Joel Ponton          |
| 6. C. P. Chambers       | 43. James Brown          |
| 7. A. Jones             | 44. B. B. Ham            |
| 8. N. West.             | 45. Daniel C. Bellows    |
| 9. John Hefferman       | 46. E. T. Frisbie        |
| 10. Henry K. Judd       | 47. John H. Dunham       |
| 11. Seth H. Baldridge   | 48. Thomas E. Cherry     |
| 12. A. Schaper          | 49. H. M. (not legible)  |
| 13. R. B. Taylor        | 50. James Tucker         |
| 14. Mosand Andres       | 51. Sylvester Moore      |
| 15. John Wonenburger    | 52. Leo Brewer           |
| 16. F. Kennedy          | 53. Sam Hanna            |
| 17. David Jones         | 54. W. G. L. Foley       |
| 18. John Long           | 55. M. T. Martin         |
| 19. John W. Hinch       | 56. Eth. B. Fowlkes      |
| 20. T. S. Gerald        | 57. Berry S. Tankersley  |
| 21. James Johnson       | 58. Samuel Powers        |
| 22. Kirchen Mayo        | 59. Cullin Mims          |
| 23. Jesse Robinson      | 60. W. J. Sansom         |
| 24. James Kennedy       | 61. Wm. S. Morton        |
| 25. Turner Roundtree    | 62. W. T. Ryan           |
| 26. James Lockett       | 63. Richard Heath        |
| 27. George W. Hunnicutt | 64. George W. Tankersley |
| 28. Andrew Zumwalt      | 65. Addison Lynch        |
| 29. Caleb Manle         | 66. James Castellow      |
| 30. H. Harles           | 67. John Cheney          |
| 31. James Simmons       | 68. J. B. Castellow      |
| 32. H. David            | 69. Jordan Crumbley      |
| 33. B. W. Force         | 70. Edward A. Barker     |
| 34. S. W. Watts         | 71. W. W. Arnold         |
| 35. James Watts         | 72. James Henderson      |
| 36. W. H. Mayo          | 73. Richard Lockett      |
| 37. T. F. (not legible) | 74. Mason B. Foley       |

75. Richard A. McGee  
76. Aaron Watts  
77. B. F. Clark  
78. Edmund Murphy  
79. Michael Murphy

80. H. R. Oest (East)  
81. B. David  
82. Edmund Burke  
83. Jacob Woodward

The Hallet settlement, however, contested this petition, and also made a bid for the county seat. As a town, it was first known as Ives Post Office. Then in 1842, when the Hallet home was designated as the site for holding the courts under the organization of the defunct county, it was officially named La Baca. As a town, it had been surveyed on the lands of Mrs. Hallet, and after its initial establishment, it became the favorite trading place for the settlers on the upper prairie and the upper Lavaca. By 1851, it was definitely established and known as Hallettsville.

The petitions were referred to the Committee on Counties and Boundaries, where they received prompt attention. On January 15, 1852, a bill was approved by the Governor that set the second Monday in June, 1852, as the election day for the county to select the permanent county seat. Male citizens, twenty-one years of age and three months residents of the county preceding the election, were eligible as qualified voters. The place receiving the majority of votes was to be the permanent county seat.

The Chief Justice of the county was empowered to receive such proposals as might be offered by the citizens of Petersburg, Hallettsville, Rock Spring, and the geographical center of the county, or other such places. B. H. Stribling, N. Chambliss, A. G. Andrews, John Hinch, and Joseph Ryan were appointed commissioners to see that the town making the land donations had complied with the necessary regulation in regard to the bond. The bill further provided that as soon as suitable buildings had been provided, the county papers and records were to be removed to the new county seat.

Only two towns made a bid for the site—Petersburg and Hallettsville. The relative merits and advantages of each site were discussed at length and bitterly argued by the partisans of the two towns; circulars were printed, distributed, and posted throughout the county; among them was one posted at the Rocky School, reading as follows:



## THE PLOT DISCOVERED! AND EXPOSED!!!

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*To the Voters of Lavaca County.*

Fellow-Citizens: In the year 1848, the Legislature of the State of Texas passed a law organizing the county of LAVACA, and appointed certain persons Commissioners to locate the Seat of Justice for said county, and authorized them to receive any land that might be given to the county whereon to build a town. The Commissioners first went to Mrs. Hallet, who owned land at Hallettsville, and asked her if she would give any land to the county. Her reply was that she would not! that she would consider the county seat a disgrace to her place!

The commissioners then applied to Arthur Sherrill, who agreed to give to the county 350 acres of land for a county seat. He did give the land, executed his deed for it, and it is now on record. This land has been laid off into lots and sold, and the purchasers have built houses upon them upon the faith that the seat of justice was fixed at Petersburg. Since that time the people of Hallettsville have become dissatisfied, and for the last three years have been using every means within their power to prejudice the minds of the people against Petersburg, and induce them to vote for the removal of the county seat to Hallettsville. At the last session of the Legislature they obtained the passage of a law directing an election to be held on this day for a county seat, but under certain restrictions, and on certain conditions named in the law. Hallettsville has been nominated, and has made her propositions. In examining those propositions and the law, we will show you that we have

### DISCOVERED A PLOT

planned and concocted by the property-holders of Hallettsville, and their wire-workers, to deceive the voters of the county, to move the county seat, and lay themselves liable for nothing.

The law requires that all propositions shall be made "in the shape of penal bonds." In the proposition made by Hallettsville there is no penalty annexed for the non-performance of their proposition. It is therefore not "in the shape of a penal bond," and is not in compliance with the law.

In the second place, the document filed with the Chief Justice as their proposition, is not such a bond as can be enforced by law. "C. Ballard and wife" promise to give 276 acres of land, and William Smithers promises to give 100 acres, and other persons whose names are signed, promise different sums of money amounting altogether to \$700.

Now, it is stated in the body of the bond, that the parties have "*signed with their hands, and sealed with their seals,*" but when you look at the signatures, there is not a "seal" to be found to any name

on the paper, therefore the bond is of no account. Furthermore, the law requires that the conveyance of land by title, or by bond for a title, must be under the hand and SEAL of the party. There being no seal attached to the signature of Ballard or Smithers, neither of them can be compelled by law to comply with their promise.

We all know that the land promised by "C. Ballard and wife" is held by Ballard in right of his wife, as heir to Mrs. Hallett, and the law makes it her property, and her husband cannot sell it; nor can he enter into any obligation to sell it, that will bind and compel her to make a title, unless she signs the instrument herself, and acknowledges it either before the County Clerk, the Chief Justice, or some Notary Public, and that acknowledgment must be made by the wife separate and apart, and out of the presence of the husband, so that he cannot influence her, and the certificate of the officer taking the acknowledgment must be annexed to the bond, with his official seal thereunto. Now, this pretended bond shows that Mrs. Ballard has never signed the paper at all, and has never given her consent to it in any way whatever. C. Ballard himself has signed these words, "C. Ballard & wife," without any seal even to bind Ballard himself.

Again—the 6th and 7th sections of the law say, that the county seat shall not be moved until the commissioners report to the Chief Justice that the bond containing the propositions has been strictly complied with and suitable county buildings have been received by them. In their proposition, is this saving clause: "Provided, however, that no right of action shall accrue on this instrument, until "said county seat shall have been located at Hallettsville, by virtue "the election to be held as required by said act." It is thus plain that their proposition is not in compliance with the law. The law says that the proposition must be strictly complied with *before* the county seat is moved; but *they say* the county seat must be moved *before* they comply with their bond.

It is perfectly plain that whoever drew up the proposition of the people of Hallettsville, had a deep, dark and corrupt design in view. The object was to deceive the people of the county to induce them to vote for Hallettsville as the county seat, and leave the people of that place free to comply with their proposition or not, just as they please. The facts we have here stated, fellow citizens, appear on the records of the county. What we have *told* you is the law, many of you *know* to be the law, and we have it from good lawyers and honest men who do not live in the county, and who are not interested in the matter in any way.

Now, fellow-citizens, suppose you give to Hallettsville a majority of votes, what will you gain by it? You get the verbal promise of the people of Hallettsville, (for their proposition amounts to nothing more,) for 376 acres, out of which the best lots are reserved, for the benefit of those already there, and the verbal promise of certain men

for seven hundred dollars, with a reservation on their part, that you don't get it *till* after the county seat is moved, when the *law* says, that you are to have it *before* the county seat is moved. In fact their proposition does not comply with the law and no election ought to have been ordered.

Suppose you give Petersburg a majority of votes, what do you get? You save the 350 acres of land already deeded to the county, and the deed on record for years, and you get \$510 subscribed by the friends of Petersburg to build a jail in that place.

Fellow-Citizens: there are several other good reasons why the county seat should not be moved from Petersburg to Hallettsville:

1st. Because the people of Hallettsville refused it when it was offered them by the commissioners.

2nd. It would be an act of injustice towards the people of Petersburg, who have bought lots and improved them, for the law provides that in case the seat of justice shall be moved from Petersburg, that Arthur Sherrill shall be paid for the lots sold by the county, and receive all the land unsold back. You then who vote for Hallettsville, and we who have once paid for these lots, have to be taxed to pay \$100 which we have once paid, and we lose the court house which cost \$800, and the \$510.00 subscribed by the friends of Petersburg, making a clear loss to the county of \$1710.00 in cash, and 350 acres of land.

Will you, fellow-citizens, tax yourselves to pay money that will never benefit you, and inflict upon others a gross and palpable injury?

3rd. If the county seat is moved to Hallettsville, it will have to be moved again in two or three years. The people about the Sulphur Spring, in Gonzales county, want a new county. By the time the next Legislature meets they will have the number of inhabitants to require a new county to be formed under the constitution. They have the territory required. This new county will be taken from parts of Gonzales, Caldwell, Fayette and Lavaca, and will take off the north-west portion of this county probably down as far as "old Hinckley's." Hallettsville will then be within eight or ten miles of the upper line of the county. The lower part of the county will not submit to this, and another removal must take place—a continual squabble and contention kept up—the money of the county, drawn from the pockets of the people, squandered in useless strife, and her citizens exasperated and infuriated against each other.

Fellow-citizens: If you vote for Petersburg, you save 350 acres of land. You save the court-house which has cost the county \$800.00. You save \$400.00 which you will have otherwise to pay in taxes, and you will do an act of justice to those who have bought lots in Petersburg and improved them. If you vote for Hallettsville, you lose 350 acres of land; you lose the court-house which has already cost you eight hundred dollars, and you tax yourselves \$400 more. And what



do you gain? You gain just what ever the people of Hallettsville choose to give, for we have shown you they are bound for nothing—and out of nobody nothing comes.

This reply to the Circular issued by the citizens of Hallettsville may seem to come late, but their proposition was made known only a few days ago, and we had barely time to examine the documents, reach a printing office, and put this address in type.

#### FRIENDS OF PETERSBURG

On June 14, 1852, the election was held; nine boxes were provided for the voters. Interest was keen; rivalry, intense; 389 votes were cast. Rumors were rife; charges and countercharges were made; unofficial returns had it that Hallettsville had won by thirty-one votes.

The results of the boxes were certified and returned to John H. Livergood, Chief Justice of the county, and tabulated by him. The representatives of the town of Petersburg prevailed upon him, however, not to proclaim the result, as they were satisfied that many illegal votes had been cast. In response to their request, he gave them ten days to file their protest.

On June 26th, a contest was filed by A. Sherill, Wm. L. Dillard, H. Dunham, A. L. D. Lewis, Thomas E. Cherry, B. B. Ham, Jacob Woodward, W. R. B. Willis, Samuel F. Hanna, Richard Heath, David Jones, H. G. Foley, and John H. Bowers. Their petition contended that sixty-three illegal votes had been cast for Hallettsville, which if thrown out of the list of votes returned by the presiding officers of the precincts would give a majority of legal votes to Petersburg. Each illegal vote was listed and the grounds for disqualification stated.

Forty-three illegal votes were alleged to have been polled at Hallettsville, Precinct No. 4, to-wit: O. C. Cappelbrand, John Pattison, Robert Charles, F. C. Kelley, G. W. Pattison, Hillary Clare, John Hicks, J. Osburn, J. Martin, M. Osburn, James Martin, H. Wagerman, A. Bracks, J. F. Charles, E. Farias, A. Scrumphire, N. Canbrs, W. Williams, J. C. Taney, J. Willowby, K. G. Mercer, J. Chaudoin, Benjamin White, J. Blackman, T. Hogan, Wm. Butler, J. Butler, J. W. Hale, J. K. Whithead, D. Hoskins, Mathew Thompson, F. Amann, W. Bocks, John Lutchter, E. Scrumphire, James Thames, Geo. McCall, and Wm. Milling; all of them were challenged on the grounds of their not being



residents of the county for the required three months or of not having attained the age of twenty-one years as required by law. Others challenged were: B. David, T. Hefferman, Thomas Hefferman, James Hickey, and John Hefferman, whose votes were alleged to be illegal because they were aliens, not bona fide settlers of the county and not twenty-one years of age.

At the E. E. Williams, Precinct No. 7, four illegal votes were alleged: J. D. Blon, W. Catner, Joseph Emminicker, and Valentine Hefflinger, stating said persons were aliens, not residents or bona fide settlers of the county, and had not attained the age of twenty-one.

For the same reasons and on the same grounds, three votes at Rocky School House, Precinct No. 2, were challenged, to-wit: Louis Haunts, James Casey, and Dabner Boles.

At Brushy, Precinct No. 6, the votes of Patrick O'Dougherty, H. A. Layton, Roland Savey, John W. Tuck, Stephen Bent, H. R. Airheart, John Shipman, James Hefferman, and Julius Morard were contested; and at Lockett's, Precinct No. 3, Asa Isaacs, Augusta Strube, Henry Rickary, and Francis Nyehouse were challenged as aliens.

The petition further stated that the polls at Hallettsville were closed before four o'clock but did not state what effect this had on the voting or whether or not anyone was deprived of voting. Far more serious was the charge that "among the voters who voted at Hallettsville were many who voted for Petersburg and after they had so voted, their tickets were changed and tickets for Hallettsville put in their places by A. W. Hicks, one of the "managers of said election"; that among these changes were the votes of C. Ham, Benjamin Force, James C. Low, W. Morris, Isam Sims, R. A. Magee, W. Neich, A. Turner, H. J. Foley, and G. B. Dickinson, as well as many others.

It was further alleged that said election was illegally ordered and illegally held because the act under which it was held required all proposals to the commissioners to be made in the form of a penal bond; that the proposal of Hallettsville was not in such form and not enforceable. The petitioners further alleged that the law under which the election was held was unconstitutional because it deprived a portion of the citizens of Lavaca County of their property without compensation, that it imposed a tax upon

every citizen in the county for the purpose of raising money to pay off Arthur Sherill for property they had not purchased from him, and that the property holders in Petersburg were compelled to contribute to raise this fund, to pay for property they once bought and paid for and the law now compelled the same property holders to pay for their property again only to have the same rendered worthless.

On June 26th, this petition and contest was ordered to be filed by Judge Livergood and a copy thereof ordered to be served on the citizens of Hallettsville by posting a copy of the same on "one of the principal houses in said town." All presiding officers of the voting precincts were notified to send in the tickets (ballots) polled at their boxes and to have the same in the office of the Chief Justice by July 5th. July 6th was set as the date of trial of said contest.

On July 6th, while Judge Livergood was investigating the charges and hearing the contest, a mob of Petersburg partisans stormed his office, overturned the table, destroyed the ballots, and the result was not published.

A few days later, Livergood tendered his resignation as Chief Justice. On July 12th, the commissioners court accepted his resignation. The contested election, because of the resignation, then became a matter for the court to decide. The court was composed of Commissioners Richard Lockett, Henry Vollentine, Joshua Spears, and Kirchen Mayo. With the exception of Spears, the commissioners were friends of Petersburg, and after Spears had disqualified himself on the election dispute, the court declared:

1. That no legal proposition was made by the people of Hallettsville.
2. That no election was legally held for the county seat of said county.
3. That Petersburg was the lawful county seat of Justice for said county.

The supporters of Hallettsville did not let the matter rest with this decree. Threats and violence became the order of the day and had a pronounced effect on the court. On August 11th, Henry Vollentine, commissioner of Beat (Precinct) No. 4, submitted his resignation. This was accompanied by the resignation of Kirchen Mayo, commissioner of Beat No. 1, submitted as follows:

"To the Clerk of the County Court of Lavaca County:

I understand from good authority that there's an armed force to interfere with our courts at Petersburg on Thursday, tomorrow. As I am greatly opposed to all such proceedings and I think it will have a great tendency to promote peace in our county to tender this my resignation as County Commissioner in Beat No. one of Lavaca County.

I have the honor to remain yours respectfully.

August 11th 1852

S/ Kirchen Mayo

County Commissioner L. C."

It was now obvious that the disposition of the dispute rested with the officials to be elected in the election that was to follow in a few days. Each town submitted a slate of candidates. Again, Hallettsville won the election.

The matter of the contested county seat election was the first item considered by the court. J. E. Martin, the newly elected and qualified Chief Justice of the county, on the affidavit of John H. Livergood made before A. W. Hicks on August 24, 1852, that the official returns of the election were as follows:

<i>Precinct:</i>	<i>Hallettsville</i>	<i>Petersburg</i>
Hallettsville	126	21
Williams on Brushy	10	2
Rocky School House	28	2
York's School House	0	10
Box's Precinct	0	13
Lockett Precinct	10	27
Brushy Precinct No. 5	34	6
Heath's Precinct	1	15
Petersburg No. 1	1	83
	<hr/>	<hr/>
	210	179

on August 28th declared Hallettsville to be the legal seat of justice of Lavaca County. On August 25th, Robert A. Sanford, M. B. Bennett, Wm. Smothers, and C. C. Ballard had submitted to the court an agreement to furnish in Hallettsville for the use of the county officials, offices and jury rooms free of charge until suitable buildings could be procured by the county. This proposition was accepted by the court.

The people of Petersburg, however, were determined not to surrender the county archives and permit their removal to the new seat of the government. The first citizens from Hallettsville,

who went to Petersburg for the records, were made prisoners on their arrival and later released. This move so enraged the Hallettsville partisans, they at once sent out word of the turn of events, requested all their loyal supporters to rally at once at Ballard's store, and be prepared to back up their demands with arms. The call was promptly answered. About two hundred well-armed men and boys met at Hallettsville, and after a conference and provisional organization, the entire body marched for Petersburg. Their route was down the west side of the Lavaca River, and when they arrived near the residence of Frank Clark, about a mile from and in plain view of the defiant town, they formed into some semblance of line of battle. It is said that one of the Petersburg citizens, when he saw the mounted and armed men, declared there were at least five hundred men in the Hallettsville army, and that he, speaking for himself, was going to the Navidad bottom, and he went; the others, whether they fled to the bottoms or elsewhere, were gone from the town when the posse arrived. John Smothers, in 1908, said that he was a boy fifteen years of age at this time, and was a member of the party, estimated at one hundred twenty-five men, when they rode to Petersburg to take possession, by force if necessary, of what they had legally won. He said that the citizens of Petersburg had a barbecue arranged for that day, but when they saw the big crowd come over the hill, they left the feast to be consumed by the Hallettsville party.

The records were gathered, loaded on an ox-cart, and the return march was started. This proved even more exciting. Every man available in Hallettsville had gone on the march to the south, leaving only the women and children in town. About noon, a lone horseman was seen approaching from the east; immediately the rumor began to fly that it was one of the Petersburg party coming in to burn the town. A dispatch was at once sent south to notify the men. When they got the word, about thirty or forty of their best men started at full speed on the run to protect the town. On their arrival, they learned it was a false alarm, and had but to wait for their companions who were escorting the slow ox-cart and records to town.

County offices were established in their temporary quarters, and the administration of the county was running smoothly when John McKinney, the sheriff, summoned a list of jury men for the



first sessions of the court at Hallettsville. C. P. Chambers, a juror on the list and a Petersburg partisan, took the Court to task for "assuming to hold its sessions at Hallettsville instead of Petersburg," filing his petition as follows:

To the Honorable Fielding Jones, Judge of the 10th Judicial District:

Your petitioner, a resident citizen of Lavaca County, would represent to your Honor that he has been summoned by the Sheriff of said county to serve as a juror at the term of the Court to be holden in and for the County of Lavaca at the fall term for the year A. D. 1852, to be and appear at the town of Hallettsville and there to serve as a juror during said Court. *Your Petitioner is not by the laws of the land bound to appear at any place but Petersburg.* Wherefore he prays the Court that he may be discharged from any service at the said place of Hallettsville as in duty bound petitioner will every pray.

S/ C. P. Chambers

Was there any merit in his plea? Judge Fielding Jones was not deceived in this petition. It was the legal approach to the judicial determination of the issue of the site of the county seat of Lavaca County, Texas. Judge Jones had presided over the District Court of the county since 1848 and heretofore he had convened his court at Petersburg. He knew of the rivalry between the two settlements on the Lavaca River, Petersburg and Hallettsville.

Chambers' trial for contempt was set for October 11, 1852, and a greater portion of the fall term of the court was devoted to the contested election. Petersburg was represented by Attorneys Rivers, Robinson, Tate, Shopshire, Willis, and Wilson. Hallettsville was ably represented by Attorneys Dawson, Rogers, Walker, Harris, and Glass; of these, Glass was the incumbent District Attorney. Aside from Judge Fielding Jones, the court was attended by Thomas Bishop, District Clerk; John McKinney, Sheriff; Henry Wagerman, Deputy Sheriff. Involving as it did the interest of the entire county, a great amount of feeling manifested itself at the trial, and the court was attended by large audiences.

So far as can be determined, four witnesses were subpoenaed; no doubt many more testified. Those summoned were John H. Livergood, the former Chief Justice; Thos. E. Cherry, a Petersburg partisan and one of the signers of petition contesting the election; M. C. Roundtree; and Josiah Dowling, the County Clerk,

who was ordered to bring with him the records of the proceedings of the county court and all other papers relative to the election of the county seat.

The principal witness was John H. Livergood; he testified that he had received the official results of the presiding officers of the precincts; that he tabulated the same and found that Hallettsville had a majority of thirty-one votes; that he did not declare the results because he had been petitioned by the people of Petersburg not to do so because they were satisfied that many illegal votes had been cast; he further stated that he was also satisfied of that fact; that he gave them ten days to look into the matter; that at the time appointed he proceeded to look into the matter of the illegality of the votes, and while engaged in said investigation, a row took place, the table on which the returns were lying was capsized, and all the papers were destroyed; that he submitted his resignation as Chief Justice and after resigning made on oath a statement of the results and why he had not declared the election in favor of Hallettsville, stating he had been intimidated by the crowd; that not more than ten or twelve of the contested votes had been investigated when the disturbance occurred and that he had declared such votes to be legal.

Through the witness Josiah Dowling, all acts of the county commissioners were proven; particularly the action of the court on July 12, 1852, declaring Petersburg to be the legal county seat; also the resignations of the Chief Justice and the two commissioners, Vollentine and Mayo; the declaration of Chief Justice Martin, August 28, 1852, that Hallettsville was legal county seat of justice, and more important, the findings and report of N. Chambliss, Joseph Ryan, and A. G. Andrews, the commissioners appointed by the Legislature to accept and supervise the proposals of all towns contending for the county seat, that the proposal of the town of Hallettsville had been strictly complied with and that the necessary buildings to hold the court had been furnished. That Chief Justice Livergood had stated to him that if he would come to Petersburg, he would give a certificate in favor of Hallettsville. That when he called on him for the certificate, the Chief Justice refused on the ground that he had been threatened if he made it in favor of Hallettsville.

In rebuttal to the affidavit made by Livergood, the attorneys

for Petersburg submitted testimony that the Chief Justice stated at the time of his resignation that everything was in such confusion from the tearing up of the papers that he could make no decision. Yet, it was called to the attention of the court, that six weeks later he made on oath a statement of the complete returns precinct by precinct. To offset this argument, the attorneys for Hallettsville proved that Livergood at the time of the tabulation had told several persons that Hallettsville had a majority of thirty-one votes.

The court gave full credence to the testimony of Livergood and rendered a verdict that "Hallettsville is legally the county seat of Lavaca County," and overruled Chambers' petition.

The Petersburg partisans did not as yet give up the struggle. An appeal bond was filed on 30th of October, 1852, to carry the contest to the Supreme Court; it was signed by Spencer Townsend, A. Jones, and H. K. Judd as sureties. The attorneys for Petersburg on November 5, 1852, filed the following assignments of errors:

1. Because the evidence showed that the provisions and conditions precedent to the removal of the county seat from Petersburg required by the act of Jan. 15, 1852, were never complied with.
2. That there was no report of the commissioners appointed under the act aforesaid that the proposition made by Hallettsville had been ever complied with as the report will show.
3. The decision of the county commissioners upon the resignation of Livergood was final and conclusive and should have been so declared by the Court.

The appeal was not perfected. On January 28, 1853, the costs of said suit, in the amount of \$21.75, were paid. The matter did not end there for the hard feelings developed in the contest survived for many years. Despite the setback, the town of Petersburg continued to prosper. In 1854, the firm of Morgan & Williams established a general merchandise store and business, and for many years it was the largest trading post in the county. The town was also the site of the Nelson Academy; the academy, known far and wide for its excellent faculty and course of study, attracted many students and residents.

In April, 1855, R. B. Willis, the resourceful attorney for the Petersburg partisans, again presented the issue to the court and

Fielding Jones, the presiding judge, when he filed a plea of abatement in a civil suit. The suit, No. 225 of the civil docket of the court, styled Wm. B. Davis, administrator of the Estate of E. C. Pennington, vs. Benjamin Ham, was for the recovery of sundry items of personal property. Willis, representing the defendant, in his motion stated:

“Hallettsville is not the seat of Justice for the county, and the District Court in and for this county has no right to set in Hallettsville, and this defendant is not compelled to answer in this place.”

The affidavit, supporting said motion, contended that the conditions of the Act of 1852 had not been complied with, that the offices and records had been illegally removed from Petersburg, that about \$700.00 was subscribed by certain individuals on behalf of the town of Hallettsville but had not been paid and that a large quantity of land was donated to the county but had been sold at a price far below its value. The motion closed with the prayer that Petersburg be “decreed the county seat.” The court sustained the exceptions made to the motion by the plaintiff, and the case proceeded to trial on its merit.

Prior to the advent of the Civil War, the Petersburg partisans made their final move against the town of Hallettsville. Again they circulated a petition, which was signed by over two hundred residents of the county, and requested the state Legislature to call an election for purpose of determining the site of the county seat. They protested the site at Hallettsville as being “inconvenient” and located eight miles from the geographical center of the county; that the upper half of the county was sparsely settled and “from the nature of the county can never sustain a dense population.” Petersburg, on the other hand, the petition stated, was readily accessible to the lower portion of the county, which had greatly increased in population and which paid twice the amount of taxes paid by the upper half.

The petition was received unfavorably by the committee, and with this action, the cause of the Petersburg partisans died in the legislative halls of the state. In 1860, however, they again presented a slate of candidates for the county offices, but were unsuccessful. M. T. Dunham, Stephen DeBord, Camillus Jones, Kirchen Mayo, J. H. Livergood, and Gabe Zumwalt thereupon



filed a suit, challenging the election of William Smothers as sheriff, Josiah Dowling as county clerk, Henry Holtzclaw as assessor and collector, and Isham Sims, William Pearce, L. Hudspeth, and R. B. Blackburn as commissioners. The contest was heard by the court August 30, 1860, and after the close of the testimony the court held it insufficient, and duly certified the officials as elected.

## CHAPTER III



## Civil War and Reconstruction

### A. SECESSION

Lavaca County in 1861 faced the problem of remaining loyal to the Union or embracing the doctrine of secession. Slavery, the great economic institution of the South, an integral part of its agricultural life, had developed rapidly; in 1861, there were 1,882 slaves in the county, representing an assessed valuation of \$1,143,730.

National developments were followed closely in the county. The large planters were kept well-informed on the issues by the State press. The people as a whole, however, were dependent on the local press, the *Hallettsville Lone Star*, and their leaders, the majority of whom were violent secessionists. As a result, the sentiment for secession developed early, and assumed such proportions by the fall of 1860 as to include practically everyone in the county.

The campaigns of the various candidates in the national election, held November 6th, were watched with interest and with some alarm. The election in the county, however, passed quietly and with little excitement. The results were as follows:

Election Box	Breckinridge & Lane	Bell & Everett
Hallettsville	236	44
Petersburg	32	5
Boxville	27	23
Little Brushy	50	0
Moulton	74	12
Sweet Home	77	19
Big Brushy	28	0
Heath's	65	6
	<hr/>	<hr/>
	589	109

The *Lone Star* in its issue, November 12, 1860, asked its readers:

*"What Are We Going to Do About It?"*

In the event of Lincoln's election, of which there is now the strongest probability, the more timid will perhaps wait for the 'overt act,' while those of more strength of nerve will consider the pledges al-



ready made to his party as constituting that act, and adopt their measures accordingly. — what, then, must be the Southern remedy? Compromise? The word is worn threadbare.”

The answer was not long in developing for on November 21, 1860, in response to the call for a county convention, five hundred citizens gathered at the “College” in Hallettsville. Messrs. Jim W. Raines, B. F. Fly, J. C. Williams, Hon. William Martin, General Hunter, and Col. W. J. Howerton addressed this crowd with eloquent speeches, in which they advocated resistance to the policy of the Federal government. The Committee on Resolutions, made up of John W. Kelly, C. C. Dibrell, and B. F. Fly, reported resolutions, which on being read, were unanimously adopted. The preamble to the resolutions denounced in detail the Northern aggression against the South, and declared the unwillingness of the people of Lavaca County to submit to this aggression. The resolutions favored secession, and requested Governor Sam Houston to convene the Legislature or provide for a state convention to determine the choice of Texas. They provided further that if Governor Houston should fail to do, as requested, the people of the counties should appoint delegates to a state convention for the purpose of deciding the issues.

A committee of secession leaders, meeting at Austin on December 3, 1860, drew up an address to the people of Texas, suggesting that the people hold an election on January 8, 1861, on the order of the Chief Justice of the county, to elect delegates to a convention to assemble in Austin on the fourth Monday in January.

On December 17, 1860, the Chief Justice of Lavaca County ordered an election for this purpose to be held on the date proposed.

An apparent indication of the enthusiasm with which the people of the county had accepted the resolutions of their county convention is shown in a letter from S. B. Noble, a resident of Sweet Home, to the editor of the *State Gazette*, Austin, Texas, dated December 18, 1860:

You may put old Lavaca down for secession. I do not believe there are ten men in the county for submission. Our Chief Justice, yesterday, in accordance with the unanimous wish of our people, ordered an election for two delegates to represent our county in the convention which is to assemble on the 4th Monday in January next to declare, I hope and believe, that the state of Texas is no member

of the Federal Union. The feeling here seems to be unanimous in favor of a dissolution of the Union.

In the election held, B. Williams, age 35, a stock raiser (32 slaves) from Moulton, and B. F. Moss, age 43, a planter (16 slaves) from Hallettsville, were elected delegates from Lavaca County.

The state convention assembled in Austin on January 28, 1861. Two days later, it adopted resolutions providing for secession, subject to the ratification by popular vote.

Acting under the instructions of the State Committee of Public Safety, Ben McCulloch issued a call for Texans to assemble near San Antonio with what arms they could muster to attack the Union forces stationed there. The Hallettsville contingent that responded numbered between twenty and thirty men, who were reinforced along the road at various points. This force reached the Texan camp at two o'clock of the morning of the attack, February 16, 1861. The entire Union garrison with the military supplies of the post surrendered to this impromptu force without firing a shot.

A week later the people went to the polls and decided the issue. The official returns for the state showed 44,317 voted for the ordinance and 13,020 against it. Of the 122 counties making returns on the election, Lavaca County ranked sixteenth in having the largest number of votes for secession, 592 voting for secession and 36 against. Dr. M. B. Bennett, A. B. McDonald, and John M. Simms were among the few citizens in the county to oppose secession.

## B. MILITARY ORGANIZATIONS

As the efforts of the national leaders to compromise failed, the hopes of averting war between the states dwindled. On April 12-14, 1861, Fort Sumter, defended by a Union garrison, was seized by the citizens of South Carolina. Its seizure was the signal for the mobilization of troops, both North and South, and Texas, along with the other southern states, issued a call for volunteers to resist the Northern invasion.

The response was immediate. Many men and boys enlisted in the state organizations, but a number of battalions and regiments were recruited by individuals under a commission from the government.

The men from Lavaca County, in the main, were members of volunteer organizations, recruited by individuals residing in the county or in adjoining counties. Conscription, however, made heavy levies on the men in the county, especially in the closing years of the war.

Various methods were used throughout the county in recruiting the volunteer forces. Usually a barbecue was given, and an invitation extended to all. Generally the crowd first listened to an able orator, who reviewed the Northern aggressions in detail. He would be followed by the recruiting officer, who closed his remarks with the invitation, "Now all of you who have any sand in your craws, step out here," or its verbal equivalent. The response to these patriotic gestures depended largely upon the reputation and popularity of the recruiting officer.

In May, 1861, the county court appropriated the sum of \$1,500.00 to be used in securing guns to be distributed to the first company organized in the county. W. C. Dibrell was appointed as agent to purchase these guns, and he secured 100 rifles at a cost of \$1,453.00. In August, 1861, Captain J. W. Whitfield's company was given these guns on order of the court.

When the Company was mustered into the Confederate Army upon its arrival in Arkansas, the guns were transferred to that army and the county was reimbursed for the outlay. The guns not taken by Whitfield's Company were given to F. J. McLean's Company.

The Commissioners Court, to further the war effort, appointed and organized a Volunteer Committee and an Armory Committee. To bolster the home defenses, the Court, September 26, 1861, ordered 20 kegs of powder, 1,600 pounds of lead, and 8,000 pistol caps. These were sold to the citizens of the county for their own use and not for resale purposes. November 20, 1861, C. & W. Dibrell were paid \$145.00 by the Court for outfitting Capt. Smothers' Company. At the same term of Court, P. K. Marshall presented an account for \$106.35 for "shoeing horses, making knives, etc." for Whitfield's and Preston's Company.

Captain J. W. Whitfield, a planter living on the Navidad River, enlisted his company on the Lavaca River below Petersburg. A huge barbecue attracted a large crowd, and Whitfield addressed it in his customary "fire-eating" manner, offering a horse, saddle,

and bridle to every man who enlisted. O. C. Searcy was elected first lieutenant upon its organization, but later transferred to a company in the coast defense service. The company was mustered into service in Arkansas, and the county was fully compensated for the rifles by the Confederate government. The company upon its arrival in Missouri was organized with four other companies into a battalion with Whitfield as commanding officer. January, 1862, the battalion was reinforced by eight companies. One of the companies had been recruited from Jackson and Lavaca counties by Captain O. P. Preston. In April, the companies were organized into a legion with Col. J. W. Whitfield as its commanding officer. Thereafter, it was officially designated as Whitfield's Legion. It saw service throughout the war, and was actively engaged in the campaigns about Vicksburg and Nashville.

On April 25, 1861, the Union forces on Matagorda Island, composed of seven companies of the 7th U. S. Infantry, surrendered to a Confederate force under General Van Dorn. A part of the Confederate forces went by water, and twenty-one Texas companies went by land to secure this surrender, among them three companies recruited in Lavaca County. They were commanded by Captains Williams, Phillips, and Finlay. O. C. Searcy, a lieutenant in Whitfield's company on its organization, commanded a company of infantry from Colorado County in this engagement.

Another company, among the first in the state, was recruited in Hallettsville in April, 1861, by Captain James Walker, a merchant of the town. It was mustered into service at San Antonio, and officially organized as Company D, 2nd Regiment of the Texas Mounted Rifles, with James Walker as captain and John R. Pulliam and Reuben Mays as lieutenants. The regiment with Colonel John R. Baylor as commanding officer marched overland up the stage route to the Arizona Territory. En route the various companies were stationed as follows: Captain Hammer at Fort Clark, Captain Walker at Fort Davis, and Captains Hardeman and Stafford at Fort Bliss with Major Hiram Waller.

The Indians about Fort Bliss were hostile and upon the arrival of the troops in that sector, efforts were made to make allies of them. At this time Nicholas was the chief of the Mescalero Apaches, who made their home on the eastern border of the Davis Mountains northeast of Fort Davis. Nicholas was invited to Fort



Bliss, was wined and dined, and on the occasion made a treaty with Col. Baylor, professing eternal friendship. A day or so later, the Apaches resumed their thievery and raids. On August 5, Captain Walker despatched Lt. Mays with a detachment of fourteen men, including Thomas Carroll, John R. Brown, Samuel Shelby, John S. Walker, John Turner, guide of the post, John Deprose, R. H. Spence, Joseph Lambert, Jack Woodland, and two Mexican citizens, to punish a raiding party that had attacked a nearby ranch, killed three members of the household, and driven off the cattle. Lt. Mays with his troops overtook the Indians on the 10th and captured 100 horses without a fight. On the 11th he engaged a strong Indian force in a running fight; his small force was ambushed, and but one man escaped, a Mexican, who brought the news of the massacre to the post. A detachment of troops was sent out to verify the news. When it arrived on the scene, the bodies of several men were found, who were identified as belonging to Lt. Mays' command; hats, boots, and numbers of dead horses, found there, gave mute testimony of the massacre. As the bodies of only a few men were found, the fate of the other men has long been a matter of conjecture. In 1903, the state Legislature appropriated \$300.00 to locate the battleground.

While Lt. Mays was on the ill-fated scouting party, the remaining members of Company D, at the post, were ordered to Fort Fillmore. It was here on July 27, 1861, the Union forces at the fort, the headquarters of the Union army in the Arizona territory, surrendered to the Confederate forces. Shortly afterwards, the Federal troops abandoned Fort Stanton, located approximately 100 miles northeast of Fort Fillmore, and left a valuable lot of quartermaster and commissary stores behind. Company D was ordered to the fort to recover whatever supplies it could. Walker left Fort Fillmore on August 9 with fifty-four men, and reached the fort on the night of August 12. The fort had been dismantled, and everything movable carried away. Two weeks were consumed in recovering the stores from the Mexican settlers in the nearby towns, who had looted the fort and were endeavoring to get the stores out of the country. The fort was renovated, and with an impressive ceremony, the Confederate flag was hoisted to the flagstaff. Numerous scouting parties were made against Indians, who threatened the neighboring settlements. The company also

took forty-eight prisoners of a New Mexico Company near the fort. The prisoners were disarmed and released on parole. On August 23rd, Captain Walker left the fort to report to Col. Baylor, and left Lieutenant Pulliam in command. The activities of Company D, in the Captain's absence, are vividly described in Pulliam's report:

August 25. Cap't Walker having left post this morning for Ft. Bliss, I came in command. The condition of the country being such as to render it necessary to keep out spies in the direction of Forts Union and Craig, have thought it a matter of precaution to have men on the lookout to prevent a surprise from the Federal troops, who were concentrating at the before-mentioned forts. The following day I detailed 4 men to march to Gallinas Mt. distant about 75 miles in a north-western direction, where they could obtain a position commanding a view of all roads leading to Fort Stanton by which an enemy might approach.

August 29. Dr. R. H. Dryden, in company with McComb and Hall's train, arrived. The former was furnished quarters, and took his position as post surgeon. Orders were issued calling for surplus stores over the company's rations for two months. The train was loaded, started for Ft. Bliss the following day.

September 1. Last night a spy party returned, and reported having seen no indications of any advancing enemy. At sundown detailed 4 men: T. G. Pemberton, Joseph V. Mose, Joseph Emmanacher, and Floyd A. Sanders, to proceed to the Gallinas Mts. My instructions were, in consequence of the situation of the water and proximity of hostile Indians, very explicit. My orders were to reach the water on the morning of the 2nd day, water the horses, fill up canteens, leave the spring, and noon at a safe and sufficient distance away; but on account of feeling that there was no danger there, the men, contrary to orders, camped at about 100 yards above the spring in a grove of pine trees, where they and their fire were visible to any person going to the spring from the road. While in the act of cooking breakfast three Indians were seen running over an adjoining hill. The men immediately saddled up their horses, and while in the act of doing so they were assailed by a shower of arrows, and found themselves totally surrounded by an over-whelming force, who poured in an incessant fire. Each man took up his position behind a tree, and on their attempt to fire their rifles, to their horror found that they would not go off. Revolvers were immediately drawn, and after several shots had been fired, the men were dislodged from their positions. Every tree shielded an Indian for a considerable distance on all sides. The fight, which was a running one, was continued for nearly two hours, when Emmanacher, Pemberton and Mose, having fallen, Sanders took his

horse, and putting spurs to him, galloped down an almost perpendicular mountain, and amidst a shower of arrows escaped to tell the fate of the horrible massacre of his three comrades. He reported having been followed for 10 miles by the Indians, and had his horse not been fleetier than the Indian ponies, he would certainly have shared the fate of his comrades. The same evening that Sanders returned I ordered 14 men, accompanied by 3 citizens, who volunteered to accompany the command, to proceed to the scene of the unfortunate encounter and at sundown left the fort. Shortly before night Captain Walker arrived and took command.

September 8. Since the Captain's return preparations have been made to evacuate the post. About noon the scouting party returned, and reported having seen no Indians. They were at Gallinas Mountains, saw evident marks of the poor fellows who were killed having fought with bravery and a determination to sell their lives as dearly as possible, as almost every tree was marked by blood shed by the inhuman savages, who, when they outnumbered our men ten to one, attacked them, and were able to carry off their scalps as laurels of victory. The bodies of Emmanacher and Pemberton were found, and buried as well as circumstances would permit, with a salute fired over their graves, and a cross cut in a tree to indicate the spot. Mose's body was not found. His fate seems doubtful, although Sanders says he saw him shot through the head and fall dead before he left the ground. The same evening word was brought into the fort that the Indians had attacked the Placito, a Mexican settlement 10 miles below the fort. I was ordered to take 15 men there and protect the citizens; did so; had an engagement with them and killed five. Returned to the fort amidst a pouring rain at 2 a.m. The next morning we started from Fort Stanton, and arrived at Dona Ana, Arizona, September, 21, 1861.

Captain Walker was compelled to abandon the fort as his force was too weak to divide. From Dona Ana, Arizona, the Company was transferred to Fort Bliss, the supply base of Baylor's command, with Walker in command of the base until he was succeeded by Gen. Sibley, who established his headquarters there.

In December, 1861, Brigadier General H. H. Sibley arrived in New Mexico with reinforcements, and assumed command of the entire Confederate forces in New Mexico and Arizona. In the ranks of these reinforcements was a company recruited at Victoria by A. P. Bagby, which had attracted a large number of men from Lavaca County. General Sibley drove the Union forces from the Territories after several bloody engagements, the principal of which were at Val Verde and Glorietta. In these



engagements the forces from Lavaca County lost a number of their rank. As the country was almost destitute of supplies, it was evacuated by the Confederate forces, who were reorganized at San Antonio. Under General Magruder, they participated in the battle of Galveston, January 1, 1863, remaining there until May when they were transferred to Louisiana. Company D, Walker's company, however, along with several others, was transferred to Texas, and encamped on Cedar Bayou, Matagorda County, where they spent the winter of 1863.

In 1864, Company D was detached from the regiment and sent west, doing patrol service from Goliad to Point Isabel, with Corpus Christi as headquarters. The company remained in the coast country until the close of the war.

Company F, 8th Texas Cavalry, more famously known as Terry's Rangers, was made up of men from Fayette, Lavaca, and Colorado counties. I. M. Strobel enrolled the company, and, on its organization at La Grange, was elected captain. It served throughout the war in operations east of the Mississippi River, serving under Terry, Forrest, Johnston, and others. Its ranks were sadly depleted by the heavy casualties suffered in numerous engagements.

Captain William Smothers organized a second company in Hallettsville; with W. C. Dibrell, A. G. Nolen, and Henry Holtzclaw as lieutenants. It was officially organized as Company A, 8th Texas Infantry, and attached to Young's Regiment, Wall's Brigade, and Walker's Division. It saw four years of active service, principally in Louisiana and Arkansas. Captain Dibrell, who had succeeded Smothers in command, was forced to resign in 1864 because of his health, and was succeeded by Lt. A. G. Nolen. Nolen had served as sheriff of the county, 1858-1860, and on his return home after the cessation of the war, he became a circuit rider for the Methodist Church for over forty years, dying on May 16, 1917, at the age of 84 years.

Volney Ellis was attached to the headquarter's staff of the 8th Texas Volunteer Infantry Regiment and served as its adjutant. Other members of Company A who served under Captain Nolen were: John Nolen, Pat Nolen, Bill Williams,, Buck Harris, Jim Brown, Sam Pepper, John Adams, Sam Adams, and Sol McGowen.



In describing their experiences, McGowen stated:

"Our hardest fought battle was Jenkin's Ferry on the Saline River in Arkansas. In this battle, chained cannon balls were used; they were seen to mow down large numbers of men at a single discharge."

### C. MILITARY RECORDS OF VARIOUS INDIVIDUALS

The numerous reorganizations, re-enlistments, and transfers, together with the incomplete muster rolls, make it impossible to secure an accurate estimate of the services of the county organizations, other than for Company D, 2nd Regiment of Texas Mounted Rifles. The individual military records are as incomplete and fragmentary as the organization records. Nevertheless, they form an interesting part of the county's history. Outstanding are the records of Major General A. P. Bagby, Brigadier General John W. Whitfield, Colonel James Walker, Lieutenant Colonel John T. Whitfield, Bugler Louis Turner, and others.

General A. P. Bagby graduated from West Point in 1852, was commissioned a second lieutenant, and served in the regular army at Fort Columbia, N. Y., and on the frontier of Texas until 1853. During his service in the army he studied law, resigned, and was admitted to the bar, practiced in Mobile, Alabama, until 1858, when he moved to Texas and settled in Gonzales. When the war broke out, he recruited a company at Victoria, and upon the organization of the 7th Texas Cavalry, he was elected major of one of the battalions. He saw service with General Sibley in Arizona and New Mexico, and was promoted to colonel when the regiment reorganized at San Antonio. In the battle of Galveston, January 1, 1863, Colonel Bagby commanded the volunteers from his regiment, who served as the naval expedition and captured the Federal ship, *Harriet Lane*. While serving under General Taylor in west Louisiana in 1863, he was wounded in an engagement near Berwick Bay. Following this he was promoted to the command of the 1st Texas Division, 36th and 37th Regiments, with the rank of brigadier general. Later he commanded a battalion composed of Terrell's and De Bray's Brigadiers with the 2nd Louisiana Cavalry attached. For his valuable services in the Red River campaign and in the battles of Mansfield and Pleasant Hill, he was highly commended by his superior officers. Before

the surrender of the Trans-Mississippi Department, he was promoted to the rank of major general by order of General Kirby Smith, and placed in command of all cavalry forces in Louisiana, continuing in charge until the cessation of hostilities. He settled in Hallettsville, and engaged in the practice of law, becoming one of the most eminent lawyers of the state.

General J. W. Whitfield, whose activities as the commanding officer of Whitfield's Legion were described in the military organizations of the county, was promoted to a brigadier general in 1863, but his failing health forced his retirement from active service. After the war, he took a lively interest in state affairs and was a close friend of J. W. Throckmorton. In 1876, he was a delegate from Lavaca County to the State Constitutional Convention. General Whitfield was appointed chairman of the Committee of Education, and as such rendered valuable services to his state.

Colonel J. T. Whitfield's career practically parallels that of his uncle and commanding officer, General J. W. Whitfield. He recruited a company in the county in January, 1862, which was organized as a part of Whitfield's Legion. Following closely the promotions of General Whitfield, he was successively promoted to major and then lieutenant colonel, and achieved a reputation as a daring cavalry officer.

Colonel James Walker, who recruited Company D, 2nd Texas Cavalry in the country early in 1861, was commissioned lieutenant colonel upon the reorganization of the regiment at San Antonio in 1862. In the battle of La Fourche Crossing, Louisiana, June 23, 1863, he was shot down and severely wounded inside the enemy's breastwork and captured. In a short time, however, he made his escape and returned to his command.

Louis Turner, an immigrant from Germany, who had settled in Hallettsville in 1856, enlisted as bugler for Company D of Whitfield's Legion when it was organized in the county. Shortly afterwards, he was promoted to headquarters bugler, and often sounded the order to charge when at the head of the Legion with General T. W. Whitfield. There were few who survived the war who had as many thrilling adventures as befell Turner. In one instance, while sounding the order to charge on a masked Federal battery on an adjacent hill, a sharpshooter's bullet pierced

the bugle, and a second later another bullet struck Turner in his side. Undaunted, he sounded the charge again, and the Texans carried the hill. In this charge three bullets pierced his clothing, one his bugle, and another his side. On July 27, 1863, in the battle of DesArc Prairie, six miles from Fort Smith, Arkansas, he was wounded and captured by the Federals, and reported dead by Captain John Pulliam. In this skirmish, a bullet crashed through Turner's right leg just above the ankle, breaking bones and tearing tendons apart, and killing his horse. He was knocked unconscious by the fall, and when he regained consciousness, the field was deserted except for the dead and dying. As he lay there, Indians pilfered the dead, and shot those showing signs of life. Turner escaped this fate by simulating death until they departed. Later a detachment of Union soldiers found him, gave him water, and stationed a guard by him until a larger detachment came to carry the dead and wounded to Fort Smith. Lying on top of three dead bodies, Turner was hauled six miles over a rough road in a ramshackle vehicle. At the hospital his wound was examined, pronounced fatal, and he was carried to the death ward, accompanied by a minister. He was not disturbed for nine days, and when it appeared that he was in earnest about refusing to die, a surgeon operated and removed the splintered bones. His recovery was slow, and it was three months after the close of the war and two years after the battle in which he was wounded before he felt able to start home, though he was still using crutches. In his leisure time he had made rings from gutta percha buttons, sold them, and had accumulated sufficient money to purchase a condemned mule, blankets, and a bridle. He arrived safely in Hallettsville, soon recovered, and reopened his gunsmith shop that he had closed upon enlistment.

Fritz Lindenberg, S. C. Patton, J. T. J. Culpepper, John Humphrey, H. C. Middlebrook, W. H. Harris, and B. R. Burke served with the Terry Rangers. Lindenberg was wounded at Aiken, South Carolina, February 11, 1865; Patton was captured in east Tennessee and was never exchanged; Burke was wounded at Chickamauga.

John Buchanan, when sixteen years old, joined Walker's company at Hallettsville, saw service in New Mexico and Arizona, and participated in the battle of Galveston. When the war ceased,

he joined the forces of Maximilian, and was at the siege of Matamoros. He later returned to Lavaca County and became a prominent citizen of the county.

Ferdinand Arnim, a native of Germany, who settled in the county in 1852, enlisted in a cavalry unit in 1861. He participated in numerous engagements and was wounded in the battle of Chickamauga, where he was taken prisoner by the Federals. He made his escape, however, after his recovery, and re-enlisted in the Confederate service.

James E. Lay, L. S. Pepper, T. B. Coleman, Riley Leggett, Jim Leggett, and Isaac Samusch enlisted in the company organized by Captain William Smothers in Hallettsville, and saw service principally in Louisiana and Arkansas.

J. W. Carson, William Frazier, and a citizen named House were members of the famous Green Brigade. Carson, who was a lieutenant in the 5th Regiment Texas Cavalry and a resident of Hallettsville, was the first Confederate to board the *Harriet Lane*, the Federal ship captured in the battle at Galveston, January 1, 1863.

W. T. Sutherland and H. H. Russell were two of the youngest Confederates in Texas. Both of them enlisted when fourteen years old. Russell entered as a substitute for a prominent man, who had been drafted, was attached to Patten's company, and served in Texas, usually as a guard of prisoners.

John Williams enlisted in Company M of Whitfield's Legion in 1862. In a battle at Davis Bridge on the Hatchie River in the fall of 1862, he was captured and taken to Bolivar, Tennessee, where he was paroled. Later he was exchanged, and rejoined his company in middle Tennessee. He was in the Atlanta campaign, and served under General John B. Hood at Nashville. He was on a furlough at home when the war ended.

John L. Dickinson enlisted in 1861, and for six months was located at Galveston. On April 8, 1862, he enlisted in Waul's Legion and was sent to Vicksburg, where he was in the memorial siege of that city. After its fall, July 4, 1863, he returned to his home in Lavaca County until November, when he re-entered the service in Texas.

Samuel B. Moore enlisted in Company D of Wood's Regiment in 1862, and served on the coast. Later he transferred to the



12th Regiment, and served in Texas, Missouri, and Indian Territory, being on scout duty most of the time.

Henry Vanderhider enlisted in Sibley's Brigade, Company C, in 1861, saw service in New Mexico, and participated in the battles of Val Verde and Glorietta. Later he served in Texas, Louisiana, and on the Red River.

Shadrick Marion Guthrie enlisted in 1863, served in Louisiana, Arkansas, Missouri, and on the border of Kansas, and participated in the battles of Mansfield, Pleasant Hill, Camden, and Jenkin's Ferry.

Dr. R. L. Smith enlisted as a private in Company A, 8th Texas Infantry, in 1861, but was soon promoted to regiment surgeon. He was forced to resign from active service because of ill health; was then made examining surgeon of a conscript district, and served in that capacity, with offices at Hallettsville, until the close of the war.

James W. Nolan enlisted in 1863 in a company commanded by Bill Tate, and served on the Rio Grande for some time. Later he joined Captain Patrick's company, and served in Texas until 1865.

James Ballard enlisted in Shay's Battalion in 1861, and later in Company K, 33rd Texas Cavalry, serving mainly on the coast of Texas.

F. W. Neuhaus, who had served as a scout in the Texas Rangers against the Comanche Indians in 1854, enlisted in the Confederate Army in 1861, acting as recruiting officer for the 24th Texas Cavalry. He was commissioned first lieutenant, and was mustered into service in Louisiana. On January 12, 1862, he was taken prisoner in Arkansas, and carried to Camp Butler, Illinois, where he was exchanged in May. He was transferred to Chattanooga, and participated in the battles of Lookout Mountain, Missionary Ridge, and Chickamauga. At the breakdown of the Confederacy, he was captured at Macon, Georgia, sent to New Orleans, and kept under guard of negro soldiers for some time.

David Butler Simpson was a member of the command for the coast defense on the Texas coast; upon being mustered out, he became the enrolling (recruiting) officer for this part of the State.

I. W. Middlebrook enlisted in 1861 in Walker's Company, and served Company D as its orderly sergeant throughout the war.

James Woods, who had settled in the county in 1853 near the headwaters of the Lavaca River, enlisted in 1861 and was a member of Company D, Wall's Legion for four years.

J. A. (Dud) Clark enlisted in 1861 and served in Whitfield's Legion.

David C. Tate, a native of Pickens County, Alabama, and later a settler in this county, entered the army in 1861; he was wounded and lost his right arm, returning home in 1864.

John Smothers, who had spent his youth in the county, at outbreak of the war was living in Live Oak County, where he was engaged in stock raising. In 1861, the commissary General Department of Texas was experiencing difficulty because its method of preserving the beef for the army had failed. General Richard Howard detailed Smothers to go to Prairie Mamoo, Louisiana, to collect the cattle turned loose by the Confederate Army in 1861 that were on shipment to Bowling Green, Kentucky. However, after the fall of New Orleans, the Federal gunboats on the Mississippi River became so numerous and active as to render it unsafe to further transport cattle to the armies in the East. Thereupon, he was ordered home and to report to Captain John R. Pulliam at Hallettsville, who had organized a company of troops there. He remained with this troop from October, 1862, to July, 1863, when he hired a substitute until the close of the war. He did not falter in his devotion to the cause, however, as he resumed his work of gathering beef and supplies and despatching them to the troops in Louisiana and Texas.

A. V. Moore, veteran of the Woll's Campaign in 1842 and the War with Mexico in 1845, enlisted for the third time as he joined Whitfield's Company, and went with it to Fort Smith, Arkansas. He marched with the unit to Corinth, and participated in the battle there, October 3, 1862. In November, 1862, upon the reorganization of the Legion at Tupelo, Mississippi, he was discharged and returned home. He afterwards joined Captain Stap Townsend's Company and served as a picket guard on Padre Island. When Mustang Island surrendered to the Federal forces, the company retreated to Corpus Christi, then to Victoria, where the unit was disbanded. Moore then joined another company under Captain Scott and with it went to San Antonio, where he was at the time the war ended.

#### D. CONSCRIPTION AND EVASION

The Confederate cause in 1862 needed more manpower to forestall successfully the Federal invasion. To secure it, conscription was employed. The conscript law of April 16, 1862, drafted into active service all men between the ages of eighteen and thirty-five for a period of three years. As the war progressed, the conscript laws became more and more severe, and younger boys and older men were forced into service.

To maintain law and order, each magistrate beat was policed by a patrol, the captain and members of which were designated by the county court. Captain Amasa Turner, a veteran of San Jacinto and who had represented the county in the Legislature in 1850-1851 and in the Senate in 1852-1853, was appointed provost marshal of the county. Dr. R. L. Smith was the examining physician. David Butler Simpson, for a part of the war, was the enrolling (recruiting) officer.

To effectively enforce the conscript law, the enrolling officer of the county was assisted by a company of men organized for home service. Each county organized its forces of Home Guards and maintained it. It was made up of men exempted from conscription, generally old men and boys under sixteen. These guards, stationed about the county, assisted in the collection of tithes levied by the government on corn, cotton, and wool, and arrested all men subject to military service who sought to evade the draft law. In order that home ties and friendships might not interfere with the discharge of their duty, the companies were changed from one county to another. They guarded every road and searched diligently for deserters and draft-dodgers. Their captives were taken under guard to Galveston, and made to work on the fortifications there.

Conscription made heavy levies on the men in Lavaca County, particularly on the immigrants, who had little in common with the large planters and whose faith in state sovereignty was not deep-rooted. A few men were assigned to special details near home and escaped service. Most of them compliantly yielded to the call for their services, shouldered their muskets, and entered the ranks. A considerable number of men, however, failed to enroll or failed to answer their summons to service. A few

of them left the county immediately and made their way to Mexico; others lingered with their families, disguised in women's clothes or securely hidden in the woods or fields, until compelled or enabled to slip out of the county. James B. Knised, the enrolling officer for the county during the last two years of the war, was a violent secessionist. He was unrelenting in the desire to get more men for the Confederate forces. Under his direction, the men were literally herded together by the Home Guards and taken to join the army.

Deserters were quite numerous. A deep reaction to the war set in during the last two years. The people were growing weary of the burdens of a hopeless war. The feeling that the struggle was "a poor man's war for a rich man's nigger" developed rapidly. The soldiers had served for months without pay, were poorly clad, lived on poor rations, and had no inducements to remain in the service. Large numbers of them deserted and made their way to places of refuge. A Confederate soldier from Lavaca County set his feelings in poetry in 1864 when he wrote,

#### THE CONFEDERACY

Am tired of Confederacy  
Confound her I may say!  
By her I lost my property  
For service got no pay  
So many Yankees now arrive  
I see no chance to save my life  
But had to run away.

I entered as a volunteer  
I want to save my state  
But now I am a mutineer  
Again I risk my fate  
No home guard dare to interfere  
Have fifty men here in my rear  
They all can fight first rate.

It will not do to calculate  
To save the country yet  
Tried our best until of late  
Too many Yankees met  
The revolution is nearly past  
Yankees got the most and best  
Soon have it all I bet.



You want to know which way we go,  
You see the road we take  
Until we are in "Mex."  
Our life will be at stake  
But if they send five hundred men  
Then we will fight as long as we can  
But never we go back.

Lavaca County with its densely timbered areas offered abundant refuge for the deserters and draft-dodgers. Crooked Creek, in the southeast section of the county, was the rendezvous for many of them. They were a lawless element and terrorized that neighborhood. The favorite place of refuge, however, was "Somer's Thicket," a live oak bottom, on the Lavaca River in the southern portion of the county. It was densely timbered, and was a vast wilderness of underbrush, vines and trees. In 1864, there were over thirty men hiding in this thicket. Most of them lived in that section but many of them were outsiders, probably from the neighboring counties that had a large Union element. Their number was made up of deserters, draft-dodgers, and men who sought refuge from the houndings of Knised, the enrolling officer. A. B. McDonald, a prominent resident of the county at that time, stated that a number of his neighbors, men who had been in the army and had come home on furloughs, refused to return to their commands on account of the hardships of army life and the hopelessness of the Confederate cause. They were listed as deserters, and had been driven into Somer's Thicket by the Home Guards.

The men in the thicket were well-armed, mounted, thoroughly organized, and had a code of signals so well understood that searchers could not surprise them. The men were constantly on the alert, their ears open to every signal, and their scouts and pickets on duty at all hours. Their scouts and friends kept them informed of the activities of the soldiers and Home Guards. They had a rude camp known as "headquarters," but at night they dispersed in companies of six or ten men to places decided on in the evening. The camps were about one hundred yards apart and formed a circle. Two or three men were placed on picket duty, and each camp had a guard. In case of attack, they were to rally to the center. There were plenty of cattle in the thicket, and beef and barbecue constituted their main food. Cornbread and salt were supplied by friends and relatives.

At Matamoros, Mexico, in 1864, a Unionist from Columbus Texas, offered John Warren Hunter, a refugee from Hopkins County, \$200.00 in gold if he would go to his farm near Columbus and return with a span of mules he needed. Disguised as a Mexican teamster, Hunter reached Columbus, made arrangements for the delivery of the mules, but was captured by the Columbus Home Guards and jailed. He made his escape, however, and fled on horseback to the Navidad bottom in Lavaca County. There he found shelter in the home of a Mrs. Davis, and dined on dried beef and coarse corn pone. Her husband was a refugee in Mexico, and her brother was in hiding in Somer's Thicket. She directed Hunter to the home of A. B. McDonald.

McDonald had come to Texas with DeWitt, had lived on the border, and participated in many battles with the Indians and Mexican outlaws. He now owned a substantial home on Clark's Creek. He was at heart a Unionist, but had one son in General Joseph H. Johnston's army and one in the Lavaca Home Guards. His younger son led Hunter into Somer's Thicket.

In the thicket, Hunter met the hardest looking set of men he ever beheld. In camp he found Colbath, Charley and Crit Gollihar, Hill, Henry Dunn, Joe and Bob Tate, Bast, Cherry, Shoffit, Kendricks, Wiley Clampit, Jake Hamersly, and others.

Wiley Clampit, Mrs. Davis' brother, had been conscripted to work on the cotton trains between Alleyton and Brownsville, but when ordered to Houston for active duty, he decided to flee to Mexico. Before he could get away, he was arrested by the Home Guards and jailed at Columbus. Clampit, Charley Gollihar, and Hamersley broke out of jail while the Columbus Home Guards were pursuing Hunter on his escape to the Navidad bottom. They lost no time getting to Somer's Thicket.

Joe Tate had served in the army, but had been court martialed and sentenced to be shot. He escaped, and a detachment of troops was stationed at his home to await his return. He knew of their presence, however, and lived in the brush, going about heavily armed, and determined never to be captured alive.

Crit Gollihar, the leader of the men, was a giant in size and in courage. He had served in the army, was wounded at Shiloh, and was honorably discharged on account of his disability. He had served in the Home Guards, but when ordered east for active

service, he refused to obey the summons, was arrested, jailed in the guardhouse at Hallettsville, but escaped with the aid of friends to Somer's Thicket.

The task of capturing this band of men was too great for the Lavaca Guards, and the Guards from Clinton, Concrete, Victoria, and Columbus were summoned to make a concerted raid on the thicket.

The Columbus Guards, on their way to Hallettsville, cleaned up the Navidad country, the Crooked Creek section, as far down as General J. W. Whitfield's place, and had taken two prisoners. They moved westward over to the Lavaca River, and camped at the Zumwalt Settlement, only three miles from the thicket. Captain Baker and three of his men, however, were captured in their raid on Somer's Thicket. In exchange for their freedom, they released the prisoners they had taken on their raid on the Navidad.

Many of the men in the thicket were anxious to avoid armed conflict with the Guards, and when the news of the arrival of the other units reached them they held a meeting. Several expressed a desire to flee to Mexico, and some twenty of them offered to follow Hunter back to Matamoros. The Gollihars, the Tate Brothers, Dunn, Colbath, and a few others had no desire to leave, and said they would stick it out.

Hunter, with twenty-one of the men, successfully made his way to Mexico, where many of them found work, and others enlisted in the Mexican Liberal Army and assisted in the overthrow of the Maximilian Empire. The combined units of the Guards raided Somer's Thicket, captured a few of the men, but gave up the chase when they learned that most of them had fled to Mexico.

#### E. COUNTY RELIEF DURING THE WAR

As volunteer enlistments and the numerous conscriptions continued to drain the number of men in the county, it became increasingly harder for some families, particularly the families of the soldiers, to secure a living. Relief committees were organized in the precincts of the county, who advanced money for the provisions of needy families. The committees worked under the supervision and regulation of the commissioners court, which

made appropriations and allowed accounts for meal, wood, meat, bacon, lard, and in one instance, for the digging of a water well for a soldier's wife.

In May, 1862, the court, "in view of the exigency of the times and the calamities of the war and the calls of the Confederacy for troops, many families may have been left in indigent circumstances and may justly demand aid from the citizens of the county," to prevent as far as possible any actual want by the soldiers' families, appointed a committee of three "discreet" individuals for each magistrate beat to inquire into and examine the actual conditions. The following were appointed:

- Beat 1. C. Ballard, N. Chambliss and J. G. Norris.
- Beat 2. John Nolen, M. K. Box and Felix Green.
- Beat 3. K. Mayo, C. F. Munson, E. W. Williams and J. N. Lemons.
- Beat 4. James May, F. L. Mudd and A. G. Patton
- Beat 5. A. G. Anders, — Barnet and Logan M. Coffee.
- Beat 6. Smith Walker, Isham Sims and J. J. Woodley.

The records reflect aid was extended to the following families:

- |                    |                      |                  |
|--------------------|----------------------|------------------|
| 1. Simpson Newman  | 16. George Hunnicutt | 31. C. A. Brown  |
| 2. Adam Isle       | 17. D. Blundell      | 32. C. Chapman   |
| 3. William Stone   | 18. Joel N. Rhodes   | 33. J. C. Rhodes |
| 4. Felix Harrison  | 19. M. L. Roach      | 34. J. E. Smith  |
| 5. Elija Riley     | 20. J. H. Brown      | 35. E. M. Smith  |
| 6. — Vick          | 21. N. Bingham       | 36. C. V. Brown  |
| 7. — Worthing      | 22. Wm. Clare        | 37. — Pogue      |
| 8. — Stiles        | 23. — Ponton         | 38. — Spears     |
| 9. L. Layton       | 24. — Jones          | 39. — Clark      |
| 10. D. C. Smith    | 25. — Groce          | 40. — Pasten     |
| 11. C. Hoffman     | 26. — Love           | 41. A. Stockton  |
| 12. — Weer         | 27. — Hughes         | 42. — Carey      |
| 13. — Williams     | 28. — Crisen         | 43. — Lynch      |
| 14. Jackson Crouch | 29. — Keethley       | 44. — Nichols    |
| 15. Huesten Crane  | 30. A. W. McBride    | 45. — Stephens   |

In September, 1862, the court advised the superintendent of the state penitentiary that at least one hundred (100) families of absent soldiers were in the need of clothing, thread, etc. In the January term, 1863, the court authorized the county committees to purchase clothing made in the penitentiary to supply the families of the soldiers. In the May term of the same year, the court levied a tax of thirty-five (35) cents to be assessed on



each \$100.00 worth of property for the support of such families. Delinquent taxes on their property were remitted by the court.

To assist in this program, the court decreed that taxes might be paid in produce, allowing fifty (50) cents a bushel for corn, twelve and one-half (12½) cents for a pound of bacon, and ten (10) cents per pound for cotton. Prices of food increased rapidly, and as the funds of the county were exhausted, the families had to depend more and more on the products of their gardens or on the charity of their more fortunate neighbors. By 1865, the credit of the county was so low (the county treasurer on November 20, 1865, reported only \$3.20 in the county funds), and its notes so depreciated in value that county support for relief had to be abandoned. In September, 1864, the court allowed an account for \$600.00 as part payment for the support of James Taylor, a pauper, for one month; \$50.00 for two shirts made for him. In December, the allowance for him was \$1,350.00, which included a suit of clothes.

Thereafter the court levied tithes on bacon and corn produced in the county, and made these available to the families.

A few wives and mothers, with the aid of a few exempted overseers, were able to manage their plantations. The slaves were loyal and cultivated the crops, and good returns were secured. Potatoes, corn, and sorghum, together with the meat secured from the herds of wild cattle, were the principal foods.

Others were not so fortunate, and endured many hardships. One wife, Mrs. Marie Kahanek, whose husband had been conscripted, was left with two infants in want and poverty. Alone she planted and hoed two acres of cotton and some corn. From this small acreage, she gathered 2,000 pounds of cotton and a fair crop of corn, which she milled by means of two rocks. She was forced to haul her water four miles in a barrel on a sled drawn by oxen. Later, she sheared sheep and milked cows for a rancher, and thus maintained herself and family for three years until her husband returned.

#### F. HOME-MADE ARTICLES FOR THE SOLDIERS

As the Federal blockade of the Southern ports became more effective, it became increasingly harder for the people of the South and the Confederate government to get many articles that

had been manufactured for them abroad. The army suffered from inadequate clothing and supplies, and the men became dependent on those at home for their needs. To supply the needs of their men, the women at home were kept busily engaged in carding, spinning, knitting, weaving, and sewing.

In this work, the women of Lavaca County labored under conditions reminiscent of the American colonial days. Dyes were made at home from prickly pear apples, tree bark, and leaves. Alum and copperas were used to set the color.

The women usually met at some neighbor's house to pick the lint from the cottonseed by hand. After the seed had been removed, the lint was washed with warm soapy water and dried without wringing. This gave it a gummy elastic effect which made the threads stronger and better. A "Spinning Bee" would then be given by some lady in the neighborhood, and the cotton was spun into thread. Wool was also carded and spun.

The thread was then taken to a neighbor, who possessed a loom, and woven into a cloth. The cloth was then made into garments and shipped to the company headquarters for distribution among the men. Gloves, socks, and helmets were knitted, and even waterproof blankets, weighing eight or nine pounds, were woven. Mrs. Job Clifton, a resident of Sweet Home, established quite an enviable reputation among the women folk of her community by her ability to weave eight or nine yards of cotton goods a day and from one and a quarter to one and a half yards of Kentucky Jeans.

#### G. TRANSPORTING COTTON TO MEXICO

Aside from providing men for the army, Texas was in a position to furnish the Confederacy with supplies, not only from her own fields but also from Europe by way of Mexico. In general, Texas was fairly prosperous during the war; good crops were raised and harvested by a great number of slaves. A great deal of the cotton harvested found its way into Mexico, and thence to European market.

Towards the close of the war, Brownsville, Texas, was the only port open to the Confederacy. The highways from all points of the state became lined with mule and oxen freight trains destined for this port.

The main route was from Alleyton, Colorado County, which, at that time, was the western terminus of the Harrisburg, Colorado, and Buffalo Railroad. The route ran due west from Alleyton to Columbus; southwest from Columbus to Hallettsville, Lavaca County; west to Sweet Home, Lavaca County; thence southwest to Brownsville via Clinton, DeWitt County.

The Hallettsville road to Columbus was the favorite road for the mule wagons because of the abundance of grass. The teamsters encamped on this road, and awaited the arrival of the cotton at Alleyton. In 1864, in one encampment on this road there were twenty-five or thirty large wagons, coralled for convenience and protection. Sweet Home, some thirty miles southwest of this encampment, was the favorite winter camp for the cotton trains.

One of the largest trains was driven by Sally Scull, the former female desperado, and her army of Mexican teamsters. The heavy rain of 1864 held up her train at Petersburg for several weeks.

Thousands of bales of cotton were shipped by rail from eastern points to Alleyton, loaded on the wagons, and carried by these ox-caravans and mule trains to the ocean freighters at Brownsville over 300 miles distant. On the return trips, the wagon trains carried the military supplies for the Trans-Mississippi Department to Alleyton, and from there, they were forwarded by rail to armies in the field.

A vast number of men and teams were engaged in this work. A large number of men from Lavaca County were engaged as contract teamsters. Their large number was due to the proximity of the county to the western terminus of the route; also, to the large number of oxen and mules in the county, available with their owners for this work. The demand for teamsters eventually became so great that the Confederate government conscripted men from the county and assigned them to the cotton trains.

## H. RECONSTRUCTION

At the close of the war, the soldiers returned to their homes to begin anew a life of peace. They were disfranchised, and their government was reorganized under conditions outlined first by the President and then by the Congress of the United States. Federal troops were stationed throughout the state and the reconstruction program was enforced with an iron hand.

A detachment of Federal troops was stationed at Hallettsville, and the reconstruction of the county was administered through them and the Freedman's Bureau Agent. The principal work of the reconstruction agents was limited to securing the oaths of allegiance from the rebel population of the county.

Despite the fact that the provisional government of Texas was flooded with petitions for appointment to the various offices, the county government was fairly stable. The tenure of the incumbent officers of the county was interrupted in some instances but no drastic changes were made. Two conditions accounted for this stability: (1) Unionist material was very scarce in the county; and (2) the incumbent officers were highly recommended to the provisional government and endorsed by the Unionist element in the county. These conditions are clearly evident in a letter from A. K. Foster, a resident of Hallettsville, who enjoyed the confidence of the provisional government, to A. J. Hamilton, Provisional Governor of Texas:

Hallettsville, Texas

August 22, 1865

General:

The following have been suggested and most of them petitioned you for county offices of Lavaca County. It is not convenient for me to see you, I will in accordance with your request give their antecedents.

John M. Simms for Chief Justice is honest, competent, stands fair in the community and is truly loyal.

Henry Holtzclaw for Clerk Co. Court—was an original secessionist, served about two years, in the army, became convinced, was elected Co. Clerk and was exempt. He accepts the situation honestly, is a safe man, fully competent.

Thomas A. Hester, Clerk Dist. Court—original secessionist, served about two years, got out of the services. Accepted the situation honestly, is a safe man, has held the office for several years.

Sam Devall for assessor and collector of Taxes. Former politics not well defined, he was endorsed by secessionist and held this office since the war, he is an honest man and well qualified and accepts the situation honestly.

T. H. Streich for Co. Treas. is honest and safe and for two years past has been a Union man.

James B. Knised for sheriff was a violent secessionist—hoisted first rebel flag at Lyons, volunteered in service, was in Hood's Brigade until he was wounded and disabled. Since enrolling officer for this county and am informed was unrelenting.



——— Nelson for Chief Justice a noisy secessionist, in favor of everybody being forced to war; but was not able to go or do anything himself, was opposed to the surrender, wanted the war protracted, could not stand "Yankee Rule," and charges Pres. Johnson with the assassination of Pres. Lincoln. Will bear watching politically.

Applicants for minor offices I presume are not required to show clean hands. You will see from the above that loyal material is rather scarce.

Those whom I have given as safe men are as good selections as can be made. I can truly recommend Messrs. Jno. M. Simms and E. P. Howland as loyal men. I know of no others. I am not yet an applicant for office myself and have given you this information in regard to the applicants in accordance with your request, enjoining secrecy.

With my best wishes for the success for your administration and the reestablishment of free government in our beloved state I am

Your very obedient servant  
A. K. Foster.

To A. J. Hamilton  
Prov. Gov. Texas

The county government was organized September 2, 1865, with the appointees duly qualifying. The appointments made by Provisional-Governor Hamilton were: Isham Sims, chief justice; A. K. Foster, sheriff; Josiah Dowling, county clerk; T. A. Hester, district clerk; T. H. Streich, treasurer; and Sam Devall, assessor and collector. Sims, Foster, and Streich were Unionists, but were residents of the county. Devall and Hester were retained in their offices, while Holtzclaw, the county clerk, was removed in favor of Josiah Dowling, who had served as county clerk from the time of the county's organization to the outbreak of the war. The county government was faithful to the reconstruction program, and repeatedly refused to act without first learning the wishes of the commander of the military district.

Its official minutes are replete with reference to the Military Ordinances, and matters not authorized for their regulation were filed and then forwarded to Major General Reynolds, commandant for the 5th Military District. Five hundred (500) amnesty oaths were ordered to be printed with one thousand (1,000) certificates. The citizens, weary of the war and some with considerable reluctance, signed the oaths, and then devoted their energies to rebuilding their individual farms and businesses.

The people, in the main, were obedient to the requests and orders of the Federal troops and the county government. The

negroes were well controlled by the Bureau Agent, who made them fulfill their contracts. The county, however, was not without considerable lawlessness.

A group of men, all Confederate veterans, held up and robbed a government transport or wagon train near the county line, south of Hope. The supplies, such as bacon, coffee, and sugar, were confiscated and divided among the members, whose families were in dire need. The train was en route to Alleyton from Brownsville, and its cargo was valued at \$10,000.00.

Two Federal soldiers, journeying through the county, entered the home of a Confederate widow in the southern portion of the county near the Victoria County line, and demanded a meal to be prepared for them. They continued their journey on horses they had taken from the pens of the widow. When her young son returned home, he took their trail, overtook them at the Zumwalt stock pens on Rocky Cheek, demanded the horses, and upon their refusal, killed them, recovered the horses, and returned to his home.

Little trouble was experienced with the Freedmen. A Klan was organized and a few of the more obnoxious characters were frightened away. At times, violence was employed to drive home a point as in the case of Luke Johnson, who on a road west of Hallettsville, refused to yield the right-of-way to a white settler. That night, a group of men mounted on horses called at the freedman's home, and when he refused to answer their summons, they fired into the house, killing a member of his family. A few negro thieves and marauders were lynched on Honey Creek, in the eastern portion of the county, and on the Navidad bottom, but the Federal troops prevented all serious clashes. The county suffered very little from the abuses of the negro and was spared their atrocities. The freedmen gradually adjusted themselves in their fields of employment in the county or drifted away, mostly to the coast towns. A resident of the county in 1867 wrote:

In regard to the freedmen, Lavaca has been much more favored than Victoria and other counties near the coast, where the Bureau and Federal troops, white and black, have been stationed among them. In Lavaca the negroes have been far less demoralized by the intercourse with negro troops and besides, the Bureau Agent of Lavaca told them they had to fulfill their contracts.

A few of the aged freedmen became wards of the county, but were well provided for. But the principal change in the county was the advent or appearance of the negro on the jury. In January, 1872, when the jury list was published, seven (7) negroes were on the grand jury list; on the petit jury list (twenty-four jurors), the list for the first week included eight (8) negroes; the second week, nine (9); and the third week, thirteen (13).

## CHAPTER IV





## *The Economic Development of Lavaca County*

### A. PIONEER LIFE, 1830-1875

Many of the early homes of the settlers were "picket houses," small square huts constructed by driving logs into the ground and covering them with brush and grass. Those who could afford and had the necessary tools and implements erected more pretentious and substantial homes, namely two-roomed cabins made of logs chinked with moss and mud. As he prospered, or the family increased, the settler generally added a shed room on the back side of the cabin, running the entire length of the building. As the community spirit developed, neighbors, and this included anyone within twenty (20) miles, would hold a "house raising" to build homes for the new settlers or a newly married couple.

The furniture in the early days was as primitive as the houses that contained it. Logs or home-made chairs with rawhide bottoms, and beds made of a frame of native timber with rawhide stretched over it were the primary items. For mattresses, the settler gathered the moss, buried it until it turned black, then dusted the wiry thread that remained, and from it, he made his pads. With the development of the large planters, however, furniture of a more elaborate and luxurious character was introduced into the county. A piano was rendered for taxation in 1846 by Isaac Mitchell, and Greenwood Foley rendered four sets of bedroom furniture the same year.

Corrals for the livestock were constructed of timber rails and located near the homes because of the Indian raiding parties. It is said that a reliable sign of the approach of Indians in the early days was the antics of the milk cows, who scented the smoked buckskin of the Indians' apparel and would run and give other evidence of fright. Some settlers planted hedge roses and rows of bois-d'arc trees for their fences.

On the open lands near the home, small areas of cotton and corn were grown. In the western part of the county, which was more exposed to the Indians, the settlers grubbed out their small fields in the thicket. From the oak timbers, they made their wooden plows and hoes. From the cedar, they hewed their milk

pails, and from the cottonwoods, their wagons. Homespun clothes, dyed with home-made dyes from the barks of trees and polk berries, were made out of the cotton, while corn was the principal food crop of the settlers. At first the corn was milled by pounding and grinding it between two stones; later oxen-tread mills and water-mills were constructed. Coffee, an essential to the pioneer, was a scarce item at times; when the family supply was exhausted, corn would be parched, then crushed, as a substitute. This often worked poorly, and, so great was his need, one settler traded a beef steer for twenty (20) pounds of coffee.

The settlers' shoes, and some of his garments, were made out of buckskin. The cotton was picked off the seed by hand, spun into thread, and then woven into cloth. Fine meal flour was used by the women to powder their faces, and at the times they attended church or the house parties, they carried little pockets or bags on their arms, called Reticules. These were made of gingham or calico with a drawstring at the top. Turkey wings were used as fans. Stockings were knitted and made out of the home-spun cotton threads. Soap was made in ash hoppers. Candles were moulded with a string run through the center for a wick; at times, the tallow would be placed in a cup or deep container and cottonwood balls put in it. The balls would burn and kept a good light.

Dr. J. E. Lay, in his autobiography, described life in the county between 1850 and 1860 as years of arduous labor, hardships, and danger. Forests had to be cleared away for farms; houses, shelter, and fences had to be constructed from the timber, often with primitive tools and implements. To continue his narrative:

With our new lands, and our imperfect implements and unacquainted with a proper mode of cultivation, occasionally a crop of corn failed and this meant for us of a necessity of a season without bread, for none could be imported now. In these season of dearth we would use jerked and dried beef and venison for bread and fresh for meat. The last was always abundant as game and wild cattle and horses were so troublesome in leading astray our gentle stock that the neighbors would occasionally set a day and all go with dogs and guns to kill them. I remember on one hunt about a hundred were killed—fine fat cattle—shooting them in the drive as they came up with them and letting them lie for the wolves to devour, and for three and four nights one would have thought that all imps in pandemonium had been turned loose so fearful were their howlings over this rich feast.

The life of the people improved, however, as the settlements developed and stores were established. In the stores, the settlers could buy the necessities of life, such as flour, coffee, and bacon, as well as many other articles from "women's high flown 'thingum-a-bobs' to soap and garden seed." Collatinus Ballard, before the organization of the county in 1846, built a log store at Hallettsville. Thereafter the town developed rapidly as a trading center, and by 1851, four stores had been established there. Mercantile stores were conducted by C. Ballard and Company, McDermot and Company, and Simon and Sons. Dr. M. B. Bennett conducted a drug store. Petersburg, at that time the county seat, supported a mercantile store which was conducted by Spencer Townsend. A small log store was also conducted on the east side of the Navidad River below the mouth of the Ragsdale Creek by Silas Bennett. Others who operated a store or trading post in the county were: D. Strunk on Honey Creek; August Weller about five (5) miles north of the present town of Sublime; Robert Miller at Smoothing Iron about three miles east of the town; M. K. Box on the Navidad in the extreme southern end of the county; L. E. Neuhaus at Hackberry. A trading post was also established at Moulton and another at Half Moon. The establishment of the stores, although of great benefit to the settlers, robbed the pioneer life in the county of its color and spirit of adventure. Instead of living off the forest and streams, the settlers, as stated by one of them, began to "live out of paper sacks and tin cans."

In the early days of rough living, common food, and open houses, only a few settlers were sick, and if one fell ill, he was treated and perhaps healed with such indigenous herbs as button-willow, squaw weed, and wild peach. Among the doctors who served the early settlers were Joel Ponton, M. B. Bennett, W. A. East, James Walker, and R. L. Smith. Dr. Ponton lived near Hallettsville, and enjoyed a large practice. He relied chiefly on steam and lobelia; steam was applied to produce free perspiration, and lobelia, or Indian tobacco, was given as an emetic. Bennett is said to have been a good doctor; he was a large man, tall, and always wore a stovepipe hat. Dr. R. L. Smith was considered a good man and a good doctor, but was unalterably opposed to railroads and barbed wire.

The schools and churches in the early days were slow in devel-



oping, and, according to Dr. J. E. Lay, the moral status of the county was little thought of. To continue:

Once in a great while the people gathered at a neighbor's house to hear Uncle Johnnie Cook or some traveler preach. No discussion of different points of doctrine in those days, very much as at the present, very few cared what another believed—or indeed if he believed at all but all listened attentively to the sermon simply because it was preaching. In those days all within 20 or 30 miles were considered neighbors. I have known them to come from that distance to a house raising, or some such occasion, and I assure they would have a jolly time, especially if they had some dram. Occasionally altercations would occur but usually a fist fight would end it and all part friendly to meet at the next gathering.

Transportation, in the early days, was slow and crude. Ox-carts and wagons, with wooden axletrees, and in some instances solid wooden wheels, were made at home by the settlers. Settler William Smothers made his wagon out of a cottonwood tree; he downed a big tree, and he sawed the wheels out of the round base, and covered them with rawhide; he fashioned the frame and axles out of the other timber. The wheels were greased with tar, tallow, and soap, but the wagons and carts as they lumbered along under the slow tread of the oxen could be heard crying and creaking a considerable distance away. The harness was made of rawhide; the ropes out of twisted hair and rawhide that was plaited. A few settlers had migrated from the States in their wagons and found them to be of great value in the new land. Horses were owned by all the settlers, and horseback travel was the quickest and most popular means of travel. No public roads were maintained, and the lines of travel generally followed a path cleared alongside the river or some favorite trail across the prairie. Upon the introduction of barbed wire, these paths of travel were deflected in all directions by indiscriminate fencing. To the free and far-riding settlers who had been accustomed to travel in the day by the sun and at night by the stars, this fencing was an injustice, and the fences were cut without regard to property rights.

Before the coming of the railroad, stage coaches were used as a means of travel. In 1861, four-horse coaches left Eagle Lake for San Antonio every other day. The route was via Columbus, Hallettsville, Gonzales, and Seguin. The coaches left Alleyton on

Monday, Wednesday, and Friday at 7 P.M. and arrived in San Antonio on Wednesday, Friday, and Sunday at 9 A.M. Another stage route in 1865 was operated between Hallettsville and Victoria. The coaches left Hallettsville for Victoria on Monday and Wednesday. When the Galveston, Harrisburg, and San Antonio Railroad was completed from Alleyton to San Antonio, daily stage coaches were run from Hallettsville to Schulenburg.

Some of the early occasions for social gatherings were house raisings, spinning bees, weddings, barbecues, and dances. As the churches and schools developed, they became the community centers and sponsored many entertainments, such as spelling bees, debates, musical concerts, and public closing exercises. Community dances were given in the courthouse at Hallettsville from 1852 to 1872, using the court chamber on the upper floor as the ballroom. When the saloons developed, they served as the popular gathering place for men; they gathered at the bar and discussed the various topics of the day, particularly horse racing. Fine horses were bred by some of the cattlemen, and horse racing became the fashionable sport. Race courses were located throughout the county, and on many occasions, the main street of Hallettsville served as a race course. Rodeos later became popular with the people. Calf roping, broncho busting, and bulldogging steers were often the feature attractions of a public barbecue. Target shooting was also one of the early amusements in the county. Matches were scheduled and a small entry fee would be charged to cover the cost of the prize, usually a fat calf, which would be divided among the winners. The men used old-fashioned long rifles, and shot well and accurately at targets fifty and a hundred yards away. Community gun clubs developed later. Occasionally circuses would visit the county. As early as December 9, 1874, the Great International Menagerie, a two-ring circus with a large collection of animals, conducted by James A. Bailey and Company, showed in Hallettsville.

Sketches of the life of pioneer settlers are fragmentary; one of the more complete is that of Ellen McKinney Arnold (1905), daughter of John McKinney, sheriff of the county, 1852-1856:

"My father first came to Texas in 1840 from Panola County, Mississippi, where he left us until he came to see what the prospects and conditions were. He returned in 1844 and had an awful hard

time to make it back, but as soon as he could make arrangements, we started back to Texas. Mother's health was bad and father thought she would get well in Texas. We came to Shreveport in a boat and hired an ox wagon to carry us to Lavaca County.

We passed through Huntsville which was then a small village. Sam Houston was there. I remember him distinctly; he had a man with him named Napoleon Viser. They talked with father a long time and showed us Santa Anna's silver cup.

We passed through Columbus; there were only five or six houses there. Father bought some powder, lead and whiskey.

We located about twelve miles of where Hallettsville now stands. There were only three houses there; one was a store run by Collart Ballard. He sold powder, lead, flint, rifles and groceries. One was a blacksmith shop, run by Ira McDaniel.

I think Old Ballard got his groceries from Powderhorn. The first barrel of flour that I saw, father gave him \$35.00 worth of deer hides for it, and he would not let us eat it only on Sunday for breakfast.

We lived in a tent on Lavaca River the winter of 1845, but it was never cold; the men seldom ever wearing coats. Mother and I gathered snap beans out of our truck patch on Christmas day that year. I have no recollection of seeing any ice for several years.

Our neighbors were Old Foley, Henry Volentine and Jim Puckett. Old Foley had a cotton patch and sold the neighbors cotton; the children picked out the seed and mother made our clothes on a spinning wheel; later on father raised cotton enough to make our clothes.

We wore out our shoes the first year and never had any more for years. Father tanned hides and made us moccasins.

We sold our produce at Powderhorn and brought most everything we used there. Father tanned all kinds of hides and carried them there and sold them, but he certainly had lots of trouble to get them there. Once he hired a mule from Old Foley and loaded him with hides and was going to lead him, but the mule went so slow he got mad and beat him nearly to death with his rifle. Mother gave Jim Puckett a feather bed for an old gray horse. He was mighty old, but he was good to carry hides on, as he led well.

We raised our own corn and ground it in a steel mill, which looked something like a coffee mill; it rested on a post and had two handles.

The grass around our tent was higher than a man's head; the prairie was covered with mustang ponies and wild cattle; game of all kinds was plentiful; father could stand in the door of his tent and shoot deer and wild turkey.

Brother Jim used to snare and catch mustang ponies. One he caught was a good one, though as a rule they were not much good. He had a saddle rigged with rawhide and after he broke the horse, he rode it to San Antonio, where he joined the Rangers.

I never saw any full-blooded buffalo where we lived, but father,

Old Stap and Spence Townsend would go over on Smooth (ing) Iron prairie, where they killed a good many. There were plenty of half-breed buffalo, though, where we lived. Two bulls got into a fight once and scattered everything in our tent.

The first cotton gin in Lavaca County was built in 1853 by my husband for Old Foley. Don't know where they got the machinery: they did not have much. The timber came from the Navidad bottom and they ran the gin with oxen. The first cotton I remember being sold was at Powderhorn (Indianola) and brought 30 cents a pound."

A fragment from the life of Minnie Wiseman, an immigrant who came to the county by way of ox wagon from Indianola in 1858, and settled in a log cabin on a grant where the town of Moulton now stands, adds this interesting experience:

"Rails made from trees were the only fences, and fields for corn were scarce. Hogs ran wild, fattened on acorns; so in order to get a supply of bacon, oxen were hooked to carts, loaded with things for butchering. The men went out on horseback with muzzle-loaded shot guns and dogs to get their meat. The women arrived in camp, unloaded the carts, built a fire, put on the pots of water, and were ready when the men brought in the hog. Sausage was made in a long keen horn, open at both ends, and the finely chopped meat was pressed through by hand.

Travel by oxcart was a day's travel from Moulton to Hallettsville. One of these trips, we made was to witness the hanging of an Indian who was tried and condemned to death for killing a white man. On hot days, oxen would become thirsty and the scent of water on the approach to the Lavaca River caused them to run, which provided a wild ride."

## B. ECONOMIC DEVELOPMENT

The economic interests of Lavaca County throughout its history have been primarily agriculture; this is attributable to the geographical conditions of the county, and the character of the people. The coastal plain, of which the county is a part, is strictly adaptable to farming and its adjuncts of stock raising, dairying, poultry production, and truck growing. Within the county, however, the general features of the coastal plain vary, and these variations have developed a sharp difference in the character of the agricultural pursuits. The timber belt and the coastal prairie in the southern portion of the county are chiefly devoted to stock raising, while the cultivation of field crops is confined mostly to the sandy soils north of the timber belt and to the upland prairie.



The agricultural interests of the county were also promoted by the native character of the people. The large planters and cattlemen, who dominated the era from 1830 to 1880, were mostly Anglo-American settlers. Their staple crops and cattle were produced principally for markets outside of the county. They chiefly developed the southern portion of the county and the river bottom lands. They were displaced by the European immigrants, who were also agriculturally-minded, but who revolutionized the industry within the county. The immigrants substituted homesteads and intensive cultivation of small holdings for extensive land holdings and leased lands. While their production was also principally for markets outside of the county, they, nevertheless, developed the allied industries of dairying, poultry production, and truck farming, and made the county a self-sustaining economic unit. These immigrants largely developed the upland prairie or the northern portion of the county.

#### *1. Agricultural Development, 1830-1860*

The early Anglo-American settlers located along the streams and on the border of the prairies and timber belt. In doing this they were actuated by economic motives. The prairies gave them cleared land for cultivation, and the timber belt furnished them with lumber and logs for buildings, wood for fuel, and rails for fences. Pasturage for the stock was afforded by the uncultivated portions of the prairies and the timber belt.

Corn was the first and principal crop grown by the early settlers. Cotton was also grown; sweet potatoes, and other vegetables were produced for household consumption. The settlers brought livestock with them, and pork, milk, and butter were secured for family use.

The livestock, because of the mild climate and abundance of pasturage throughout the year, greatly increased in numbers, and stockraising in a few years became an important industry. The open range and the low-priced lands attracted other stock-raisers, and more cattle were brought into the county. Then, too, there were large herds of wild brush cattle in the bottom lands that were appropriated for private use by the branding iron. In 1846, the tax roll listed two stockmen with over 200 cattle; seven with herds ranging from 100 to 150 head; and fifteen with cattle

ranging from 50 to 100. The total number of domestic cattle listed in 1846 was 3,581. By 1851, this number had increased to 13,505. The tax roll of that year listed one stockraiser with 650 cattle; one with 500 head; two with 400 head; four with herds ranging from 300 to 400 head; eleven with cattle ranging from 200 to 300 head; and twenty-eight with cattle ranging from 100 to 200 head. The largest cattle owner at this time was James Brown, who lived northwest of Hallettsville; his other listed property included two slaves, twenty-two horses, two wagons, seven oxen, and a small flock of sheep. The cattle were marketed by driving them to Galveston, Indianola, or some smaller local market. Swine were also grown in considerable numbers. In the early part of the decade, 1850 to 1860, Marshall Bennett rounded up 1,000 hogs in the southwestern portion of the county and drove them to Mexico; a sum of \$9,000.00 was realized on the sale.

While stockraising was the chief industry in Lavaca County before the Civil War, there were many plantations worked by slave labor. The tax roll of 1846 listed thirty-eight slave owners. The chief owner was Greenwood Foley, who possessed seventy-two slaves and maintained a large plantation on Mixon Creek. Other large planters were: Walter Hinckley with thirty-four slaves; Isaac Mitchell with thirty slaves; Calif Joiner with twenty slaves; Mason Foley with fifteen slaves; and T. J. Henderson with twelve slaves. By 1851, the number of slave owners had increased to seventy-nine. Greenwood Foley at this time owned ninety-five slaves. His plantation included 12,020 acres, located five miles northeast of Hallettsville. Foley was also a large stockraiser, and the greater portion of this acreage was used as range for his herds. Other large owners in 1851 were: M. B. Foley, W. Hinckley, and I. E. Martin. Mason B. Foley, with twenty-nine slaves, maintained a plantation of 5,590 acres, located on the Navidad River a few miles west of the present site of Sublime. He also engaged in stockraising. Walter Hinckley's plantation was located six miles northwest of Hallettsville. He owned twenty-three slaves, and had the use of eleven more, as he was guardian for two minor children. His other property included eighty-three horses, 200 cattle, twelve yokes of oxen, forty sheep, a carriage, and farming implements. I. E. Martin's plantation was located on Mustang Creek near Sweet Home. His property included: twenty slaves,

sixteen horses, 129 cattle, forty-five sheep, twenty oxen, and one lot of hogs.

With one exception, the records of the plantations in Lavaca County have been completely lost. The only fragmentary record available is that on the plantation of Smith Walker. Walker came to Texas from North Carolina and brought his slaves with him, locating on the prairie land a short distance northeast of the present town of Moulton. His slaves included three house women and nine men. The slaves broke the prairie land with plows drawn by two yoke of oxen. Cotton and corn were the principal crops grown. The cotton was ginned by a horse-gin on John Wood's place, located about seven miles south on the Lavaca River.

Cotton and corn were the staple crops of the plantation, and the production of them increased greatly with the rapid settlement of the county and the introduction of large numbers of slaves and improved farming implements. By 1860 approximately 6,000 bales were being produced annually in the county. Horse-gins were used principally in ginning the cotton, but prior to the Civil War a few steam-power gins had been introduced. In the earlier days, Gabriel Zumwalt operated a gin and mill on Rocky Creek, which was driven by water power. Port Lavaca was the nearest shipping point on the gulf, and it was the cotton market for Lavaca County until the railroad was completed to Alleyton. The cotton was hauled on wagons drawn by oxen, and the volume of traffic was large enough to employ many men.

## *2. Agricultural Development, 1860-1900*

The production of cotton, however, declined from 1860 to 1870, and increased attention was given to stockraising. The emancipation of the slaves deprived the planters of their laborers, and cotton production with hired labor was yet to be developed. In the decade from 1870 to 1880, however, cotton regained its former importance. Two conditions were responsible for the recovery of this staple crop. The first was the introduction of barbed wire, which provided an easy and economical means of fencing the lands. Theretofore, it had been considered unprofitable to put much land under cultivation because of the great expense involved in erecting and maintaining wooden fences to protect

the crops from the herds that had free range to the prairie lands in the county. Secondly, the European immigrants, who began to settle in the county in considerable numbers during this decade, displaced the planters and worked the land without hired labor, depending mainly on the aid of their families. Cotton, with its fair returns, price, and ready market, afforded a profitable means whereby the immigrant could buy his homestead. Under his intensive cultivation, cotton production developed by leaps and bounds. The production increased from 3,528 bales in 1870 to 9,976 bales in 1880; by 1890, it had increased to 26,842 bales; and in 1900, the production was 38,349 bales. Remarkable progress was also made during this era in the production of corn, sweet potatoes, Irish potatoes, honey, cane and sorghum molasses.

Stockraising continued to be the chief agricultural industry in Lavaca County for some time after the Civil War. The open range and the low-priced lands in the county continued to attract cattlemen, who were being crowded out in the more thickly settled sections of the state, and by 1870 the county had become prominent as a grazing territory. At that time the cattle in the county numbered 56,309. Among the early prominent cattlemen were Lew B. Allen, W. J. Moore, J. M. Bennett, Sol West, Ike West, George West, Bill Gentry, and Willis McCutcheon.

In 1871, "Shanghai" Pierce gathered a herd of trail beeves and mavericks in Lavaca County. The section about the Big Sandy in the southeast portion of the county was thinly settled, and was noted for the great number of wild brush cattle found there. Pierce's cowboys rounded up these mavericks and shipped them to the markets. A month's work netted 1,100 head, but it was only with great difficulty that the herd was secured. The cattle were wild and lived in the brush throughout the day. At night they moved out on the prairies to graze, and the cowboys had to rope them early in the morning before they returned to the brush.

The cattle in Lavaca County were marketed by driving them across the open range in Texas and the Indian territory to Abilene, Dodge City, and other Kansas towns. The drives began shortly after the Civil War and continued until about 1885. Large herds, numbering 1,000 head or more, were gathered on the prairies by the cattle brokers, and in the early spring they were driven over the trail. The trail from Lavaca County began at Bovine, a small



settlement on Brushy Creek, in the southern part of the county, thence northwest "by the Kokernot Ranch, by Peach Creek, passing Gonzales, and Lockhart, and on by Onion Creek; then passing Donohue, the old stage stand, following the trail on by Austin"; then by the Chisholm Trail to Kansas. In 1870, A. E. Schiske left Lavaca County with a herd of 1,000, belonging to Sam Moore and J. M. Bennett. He made the trip to Abilene, Kansas, in sixty-four days. In February, 1874, Leo Tucker, John May, Joel Bennett, and others left Bovine with 3,000 head. Leo Tucker, who followed the cattle trail from Lavaca County to Kansas for many years, made his last drive in 1882. George West was the owner of the outfit, and some of the hands employed were Pat May, Bud May, Alec May, W. O. Woodley, Jim Hickey, and Leo Tucker. Many other drives by other outfits in the county were made but no information is available on them.

Between 1880 and 1890, the open range on which the cattle industry thrived was fenced in, and the cattle industry momentarily slumped. After 1890, however, it increased again, and by 1900, the number of cattle in Lavaca County exceeded 60,000. In this connection it is interesting to note that the increase was largely on the small farms rather than on the ranches, and it was not accompanied by a decline in cotton growing.

By 1870 sheep raising had also become an important industry. Beginning with two small flocks of 40 and 45 sheep in the county in 1851, the industry developed rapidly, and by 1860, 4,677 sheep were reported. This number increased to 10,890 in the following decade, and by 1880 the number had increased to 25,749. Sheep raising, however, declined rapidly thereafter, and in 1890 only 5,890 were reported. This number decreased to 578 by 1900.

### 3. *Agricultural Readjustment, 1900-1930*

The period from 1900 to 1930 in Lavaca County is one of agricultural readjustment. The cotton production which had increased by leaps and bounds prior to 1900 decreased rapidly, owing to the serious losses caused by the boll weevil. The small farmers and tenants, depending entirely on cotton as a means of livelihood, felt the loss most keenly. The whole county, however, suffered a material loss. Stockraising also did not pay as well as

it formerly did. With low-priced lands and free range of the early days, cattle raising was profitable; but with the increased value of land, the low price of beef on the hoof, and the more exacting demands of the markets, cattle did not yield the profits they once did.

The altered conditions served to convince the thoughtful farmer of the necessity of crop diversification and the rancher of the necessity of improvement in the breeds of beef and dairy cattle. Great progress was made in both lines. Shorthorn and Hereford cattle have largely displaced the native Spanish breeds. Brahma cattle have also been introduced; mainly, however, on the lower prairies. These breeds are hardy and adaptable to the range, and have improved the size and quality of the beef. Similar progress has also been made in the dairying industry. Jersey and Holstein breeds have been adopted throughout the county. A ready market for the dairy products has been developed by the establishment of a subsidiary plant of the Swift Packing Company at Yoakum, and a branch division of the Carnation Milk Company at Schulenburg. The county has access to both plants by paved roads. Daily truck lines are maintained from the principal parts of the county to these plants. The trucks on the main highways are fed by the smaller trucks on the lateral roads. Improvement has also been made in swine raising by the introduction of improved breeds. The heavy corn-fed Poland China hog is now produced instead of the "razorback" which largely subsisted on the acorns and roots found in the timber belt. Sheep have also been re-introduced and are developing rapidly.

Poultry and eggs have become important local products, and the shipments have steadily increased, adding considerable to the farm income. Lavaca County now ranks second in the state in poultry production. Six hatcheries are located in the county, and thousands of chicks are raised annually. The eggs and chickens have a ready market, and the produce houses ship many carloads of dressed poultry to the northern markets. Turkeys are raised in considerable numbers, and the dressing plants work day and night during the fall season in supplying the holiday demand of the northern market.

Great improvements have been made also in crop diversification. The improvement has been in the development of the truck-

ing industry. The truck crops are grown principally in the sandy soil. The Lufkin sand is particularly adapted to the growing of sweet potatoes of a superior quality. An outside market has not been developed, and this crop is grown only in sufficient quantities for home consumption. Irish potatoes are now being produced for market purposes. The product can be put on the northern markets early in the season, when good prices generally prevail. The acreage devoted to Irish potatoes has steadily increased, and truck buyers, who have been established in the principal towns, have relieved the grower of the problem of shipping and marketing. Onions have proved a profitable crop, but the acreage has been limited for lack of a steady market. Cucumbers for pickling purposes are grown under contract for various buyers. A large acreage is devoted annually to the production of this crop. Pickling vats are maintained at the principal railroad shipping centers; the cucumbers, when properly treated, are transferred from these vats to vats on flatcars and shipped to the main plant of the manufacturers located in Houston, Texas. Melons were grown for market purposes, but the crop was abandoned after several years.

The largest acreage devoted to trucking industry is planted in tomatoes, and this crop promises to develop into one of the leading products of the county. Its development is quite recent, and in 1932, 431 carloads, averaging 18,000 pounds to the car, were shipped to the northern markets. Marketing sheds are located in the principal railroad centers; here the tomatoes are culled, wrapped, and packed. Refrigerator cars are then used to transport the crop to the markets early in June, where it generally secures a fair price.

The growing of tobacco was attempted in Lavaca County shortly after 1900. It was not taken up so readily by the farmers, owing to the lack of knowledge of the proper methods in cultivating, harvesting, and curing the crop. A Hallettsville stock company was organized in 1904, and it maintained a farm of thirty-four acres nearby in charge of an experienced tobacco grower. Approximately 12,000 pounds of Cuban cigar-filler leaf tobacco were produced; also, some Sumatra wrapper leaf. The tobacco was manufactured into cigars, using the home product, filler and wrapper, entirely in the manufacture. The cigars had a ready sale on markets confined to the surrounding towns. The quality of the

tobacco, however, proved inferior, and the project was abandoned after a few years.

A number of truck growers associations have been organized in the county further to promote the trucking interests. Their primary purpose is to give instructions to the farmers in growing crops and to assist them in marketing the crops. The growing of garlic, beans, and other vegetables is being promoted by these associations.

#### *4. Other Economic Development*

No manufacturing plants have been established in Lavaca County except such as are related to the agricultural products of the county. The cotton, prior to the Civil War, was ginned by horse gins. Steam-power gins were introduced into the county shortly thereafter, and developed as rapidly as the cotton industry. Cottonseed mills were established at Moulton, Shiner, and Hallettsville between 1890 and 1900. Their principal products are cottonseed oil, cottonseed meal, hulls, and cottonseed cake.

Grist mills were established early in the county. Gabriel Zumwalt operated a mill driven by water power on the Rocky Creek prior to the Civil War. Between 1870 and 1880 several combination mills were established in the county. The Foster Mill, near Hallettsville, was steam-driven, and was equipped to grind corn, saw lumber, and gin cotton. D. E. Russell's mill, located one mile north of Hallettsville on Campbell's Branch, was equipped for grinding corn, sawing lumber and shingles, and ginning cotton.

The sawmills have largely been abandoned since the construction of the railroad. Their products were mainly rough timbers used for fencing and the construction of buildings about the farms.

Molasses was also manufactured in the county. A considerable acreage was annually grown in cane and sorghum. In midsummer, the cane was cut and stripped. It was then taken to a press, and the juice extracted. This extract was cooked until clear of impurities. The manufacturing was usually done by an enterprising farmer in the community, who took part of the product as his pay.

The need of a railroad became apparent to the people of the county shortly after the Civil War. In 1873, the Lavaca County



Tap Railroad Company was incorporated to construct and operate a railroad, as well as a telegraph line, from the town of Hallettsville to a point not to exceed sixty miles on the Galveston, Harrisburg, and San Antonio Railroad, or the Gulf, Western Texas, and Pacific Railroad, or the continuation of the Houston and Great Northern Railroad. The state granted the company a fifty-yard right-of-way over all the state lands, and also the privilege of using timber, rocks, earth, and other material from the state lands within five miles of the track. The project, however, was abandoned when the capital stock could not be subscribed. It was not until 1887 that a railroad was constructed in the county. The main line of the Aransas Pass and San Antonio from Houston to San Antonio was constructed in that year, and traversed the county from the east to the southwest, just north of the timber belt. A branch line was later constructed from Yoakum to Waco, and this line traversed Lavaca County along its western boundary.

The retarded development of the county was overcome by the construction of the railroad. As one writer expressed it:

The rumbling of the steam engine and its train of construction sounded the death knell of land monopoly and the extensive cattle range.

An intensive real estate promotion program followed the construction of the railroad. In 1888, the Improvements Committee of Lavaca County published a descriptive pamphlet of the county and distributed it throughout the country. "The Garden County of the Lone Star State," and called the attention of the homeseekers to its "mild and healthful climate," to its abundance of surface and well water, to its "rich prairie and timber lands," and to its "good railroad facilities." Later it was decided "to send a living apostle among the homeseekers of other states and especially those of the blizzard-stricken northwest." An immense tract of land in the southwest portion of the county, popularly known as the Golden Rod Prairie, fell into the hands of a company of unscrupulous promoters from Kansas City. A town was laid out on the land and called Providence City. The descriptive literature, which pictured the region as a veritable Garden of Paradise, was circulated among the people in the northern states. The land, which had been purchased for practically nothing, was sold to the unsuspecting settlers for \$10 and \$25 an acre. In a short time, the

only remnant left of this once booming city was a broom factory, a mercantile store, and a few residences, forming a picturesque Ghost City on the prairie.

### C. TOWNS IN THE COUNTY

The principal towns of the county are Hallettsville, Moulton, Yoakum, and Shiner. Hallettsville and Moulton were located and established early in the county's history; the two others were founded upon the coming of the railroad to the county.

#### *1. Hallettsville*

The initial step of its founding was in 1833 when John Hallet, a colonist under Stephen F. Austin, erected a log cabin on a government grant, locating it on a small rise overlooking the Lavaca River. It served as "token" settlement, for Hallet left it to return to Goliad, where he had operated a store, and where, following the Texas Revolution, he died in October, 1836. His widow, Margaret Hallet, and family, on his death, reoccupied the cabin; and as storekeeping had been Hallet's trade since he had given up the sea, it was but natural that a store and trade developed out of his log cabin. In 1840, Mrs. Hallet and daughter, Mary Jane, were joined by Collatinus Ballard, a fellow Virginian, in operating the store. David Ives, a surveyor, had made his home with the Hallet family since 1837, and remained with them until 1843, when the married Margaret Lanham.

In 1841, a larger and more imposing log structure was built by Ballard on the northwest corner of the town square, the corner of Second and Main Street. This was afterwards further enlarged and weatherboarded without, and housed the pioneer firms of C. Ballard, and later Woodall and Ballard. It stood until 1887, when it was demolished and replaced by a two-story building. At the time it was built, it stood on the high land between two small streams, tributaries of the Lavaca.

Ballard was joined on the town square by other settlers, professional men and merchants, notably Dr. M. B. Bennett, physician and druggist, and A. W. Hicks, hotel keeper; also W. C. Dibrell, merchant; L. W. Layton, contractor and builder. By 1851, four stores had been established; mercantile stores were conducted by

C. Ballard & Company, McDermot & Company, and Simon & Sons; Dr. Bennett conducted a drug store and served as a county official. By 1860 the town boasted of having several mercantile stores, a drug store, two colleges, a hotel, a newspaper (*Hallettsville Lone Star*, edited by S. A. Benton), two churches and several saloons, and on July 2nd of that year, the Commissioners Court received the petition of C. C. Ballard and thirty-four (34) others of the "town of Hallettsville" praying to have said town incorporated. The Court, examining said petition, found and determined "that there were within the confines of said town limits more than three hundred free white inhabitants," and ordered an election to be held Saturday, July 14, 1860, on such proposition. At that time, the town's directory was as follows:

Attorneys:	B. M. Tevis and Jim W. Raine Jos. C. Williams S. B. Noble Volney Ellis
Physicians:	R. L. Smith M. B. Bennett J. O. Hutchins
General Merchandise:	A. W. Hicks L. Klopman C. Ballard
Dry Goods:	John W. Kelly C. & W. Dibrell D. Schwartz & Co.
Hardware:	W. R. Hinckley
Hotel:	"The Texas House" operated by I. J. Foster
Drug Stores:	Hallettsville Drug Store by M. B. Bennett East, Ballard & Co.
Grocery Stores:	J. K. Miller I. Samusch
Livery and Stable:	M. Latting
Furniture and Cabinet Making:	V. Riemenschneider

Watchmaker:                Louis Kaufman  
Carpenter, Joiner and Undertaker:  
                                 Lewis W. Layton  
Saddle and Harness Maker:  
                                 C. Davenport

The leadership of the town life, however, was not surrendered by the Hallet home. In all civic projects and enterprises, Margaret Hallet was either its principal donor or sponsor. In 1838, the townsite had been surveyed and laid out by Byrd Lockhart, surveyor, on her instruction; with this, she took the second step in organizing the town, and in 1842, when the "County of La Baca" was created by the Congress of the Republic of Texas, her home was selected as the temporary place for holding the district and county courts. Nor were storekeeping and politics her only interests. Circuit riders found a ready house for their work and rest in the Hallet home, and her religion knew no denominational bounds. The earliest record of such activities were recalled by Peter Gephart, a pioneer settler of the county, in 1892 at the time he was attending the Mulkey Revival in Hallettsville. He stated the first time he attended "preaching" in Hallettsville, or rather where the town now stands, was in 1841: the services were held at the house of "Mother Hallet," as he called her, and about seven persons were present; he recalled as being present Mrs. Hallet, Mrs. Mary Smothers and John Hinch. The preacher was James Stribling, a Baptist.

Margaret Hallet, her son-in-law, C. C. Ballard, M. B. Bennett, and A. W. Hicks, as leaders of the settlement, contested the petition of the citizens of the town of Petersburg to the state Legislature in November, 1851, to declare by law the town to be the permanent county seat. After a hard campaign, the election in June, 1852, was won by only thirty-one (31) votes; but the offices and records were not moved to Hallettsville until the town in August, had submitted and elected a slate of officials favorable to the change, and the town had organized a posse over one hundred strong and had marched upon Petersburg and by force removed the records to the temporary quarters at Hallettsville supplied by Robert A. Sanford, M. B. Bennett, Wm. Smothers, and C. Ballard. It was then that Mrs. Hallet donated the townsite and additional



lots to the Commissioners Court; the lots were offered for sale to the public and the proceeds were used to erect the permanent buildings of the county. In the same year, she donated the grounds and site for the Alma Male and Female Institute, an academy located one block east of the town square, and it developed into the first private school in the town of any rank, size and pretensions. Some time later, and following the construction of the first courthouse, a town well was dug on the northwest side of the courthouse grounds, and it was and constituted the public water supply until 1891, when the first city artesian wells were drilled.

There are many versions as to how the town secured its name. Most all agree that it was named in honor of Margaret Hallet, the donor of the townsite; a few contend it was named for her husband, John Hallet. The latter version is hardly tenable, although it must be granted that he was a colorful figure as a sea captain, pioneer settler, and merchant. The town more definitely bears the imprint of the great character, resourceful personality, foresight and indomitable will of his widow, as her life is intimately associated with its settlement and establishment. The name clearly bears out both contentions: the name *Hallet* plus *ville*, the word in old French for town—or combined Hallet'sville.

It is far more difficult to resolve its origin. Some accounts have it that the first name was *Hidesville*, so named because of a buffalo hide that was stretched on the side of Mrs. Hallet's home, and later the name Hallet was substituted as the owner of the trading post grew in popularity. The first hotel in the town was built by A. W. Hicks, who moved to the town from Houston in May, 1846. People coming through and stopping at his hotel and associating him with the town would call the town *Hicksville*; whereupon Hicks, as another version goes, would say: "Oh no! Mrs. Hallet gave the land for the townsite and the town should bear her name!" Still another version maintains that the town was called Hallettsville from the beginning upon the suggestion of Byrd Lockhart, the surveyor who laid out the town. The first two versions are plausible and it is probable that in the talk of the day both *Hidesville* and *Hicksville* were used by the settlers and travelers; none the less, the latter version can also be true. Two significant and key incidents and facts support this version. One must always be mindful of the parting that took place be-

tween Margaret Hallet and her family in Virginia, when her family, old and prominent in the state, opposed her marriage to Hallet. Trying to dissuade her, they called her attention to her position of prominence and security in the state and contrasted it with the uncertain life she would live in a pioneer country. To this she answered "she'd rather be the head of a new generation in a new country than the tail-end of an old generation in an old state." She wanted to leave for posterity her mark in the new country! So within a year and a half after her settlement in the new land she had a townsite surveyed out and lent her energy to its establishment. Secondly, the spelling of the name of the town supports this version. As it stands today, the spelling is not logical, not in natural sequence, was arbitrarily done, and appears for the first time in the works of her surveyor, Byrd Lockhart.

The natural spelling of the town, combining the name Hallet and the word for town, *ville*, would be Hallettsville, or with one "t." In 1847, when the town is first mentioned in the records of the Police Court (Commissioners Court) it was spelled with two "t's." Then, too, in the act providing for the location of the permanent county seat, January 15, 1852, Hallettsville (two "t's") was listed along with Petersburg and Rock Springs as an eligible site. The town, in the original grant of the townsite in 1852, was spelled with two "t's."

The first attempt to incorporate as a city in 1860 failed, and again in January of 1869, M. B. Bennett and forty (40) other qualified electors and citizens of the town petitioned the county court to incorporate. The limits of the town were described as the area one-half mile from the public square. The court was satisfied that the area had more than the required number of three hundred (300) inhabitants, but doubted its authority to act on the measure and referred the matter to Major General Reynolds, commandant of the 5th Military District. He granted the petition, and the election was held. On August 13, 1870, the town was incorporated by a special act of the Legislature. John Buchanan was elected mayor, and James Ballard, secretary. In October, 1873, its paper, *Herald and Planter*, listed in its classified columns and advertisements: Wm. Sheley, dentist; M. B. Bennett and James E. Lay, physicians; Bennett & Davis Drug Store, and J. E. Lay & Co., as drug stores; V. Ellis, O. Ellis, S. C. Patton, and W. H.

Tevis, as lawyers; H. H. Russell as real estate agent and surveyor; D. Speakerman & Ulbig, butchers, selling beef, forequarter at three (3) cents per pound, loin at four (4) cents, and round steaks at five (5) cents; Mrs. H. C. Taylor as "Select School," music and drawing; James Ballard as a teacher; J. E. Dietz and A. Dietz as contractors and undertakers; Shoemake & Green, and F. W. Fahrenthold as general merchandise stores; Devall & Bennett, composed of Sam Devall and J. M. Bennett, dress goods; Jos. August, dry goods and groceries; Turner's Hotel, operated by Louis Turner; V. Mallory, saddle and harness maker; Wm. Kroschel, on south side of square, groceries and bar with billiard room upstairs; John Spears, on east side of square, bar; F. Lindenberg, general groceries; D. E. Russell on Campbell's Branch, one mile north of Hallettsville, sawing lumber and shingles, and ginning cotton.

In 1875, Hallettsville was the only incorporated town in the county, and had a population between six and seven hundred. A short time later, it surrendered its charter under the special law and reverted to the provisions of the general law. On June 29, 1888, an election was held to determine whether the town should be re-incorporated. The issue carried by a vote of 107 to 13 votes against. On July 24, 1888, the city election was held:

Mayor:	Fritz Lindenberg	65 votes
	L. A. Lacrosse	45 votes
	M. B. Woodall	28 votes
Aldermen:	Joe Kahn	133 votes
	Volney Ellis	125 votes
	F. W. Neuhaus	109 votes
	Friench Simpson	106 votes
	S. J. Dickey	78 votes
	Leo Kroschel	48 votes
	A. Appelt	27 votes
	John Speary	19 votes
Marshal:	Wm. Dillard	11 votes
	W. P. Ballard	70 votes
	John May	47 votes
	Thos. F. Bledsoe	18 votes

At the first meeting of the new Council, F. W. Neuhaus was elected secretary, and Friench Simpson, treasurer. Volney Ellis,

Joe Kahn, and Friench Simpson were appointed as a committee to draft the ordinances governing the city.

The town's progress was not without some setbacks. In September, 1867, the town and an area of one-half mile of the courthouse was placed under strict quarantine against yellow fever. The town's streets and premises were ordered to be cleaned, and the county appropriated the money for the labor, and imposed a restriction on travel; those permitted to enter town could remain but an hour and could not unpack goods or chattels. Again in 1873 the town was placed under strict quarantine for smallpox. The county again employed and paid guards to maintain the quarantine and to enforce its provisions.

The town, as well as the county, had its problems with the county public buildings. The building erected in 1852 by 1865 was in so poor condition that by order of the Court dances and exhibitions, theretofore permitted, were prohibited. Space was limited, too, and for many years the grand jury had to rent quarters elsewhere. In the summer of 1865 the county jail burned, and the problems of the Court multiplied many times. The more dangerous prisoners were housed in the jails of the adjoining county; the other prisoners were guarded and fed by sundry persons employed by the Court. The Court authorized expenditures for locks, trace chains, and shackles for this purpose. By November, 1867, new plans and specifications for the jail were submitted, and the bid of A. K. Foster for \$2,500.00 was accepted in January, 1868. Plans for a new courthouse were submitted and accepted by the Court in 1873, and the contract awarded to J. E. Dietz & Co. on its bid of \$16,500.00. The first materials for the structure arrived in January, 1874, but it was in November, 1875, before it was completed. In the meantime, all court proceedings and trials were transferred to the Riemenschneider's Furniture House, as by that time the condition of the old courthouse was such that court could not be held without considerable risks. The nails, hinges, chains, and locks salvaged from the fire destroying the jail netted \$213.38; the old courthouse was sold at public auction to Jno. Speary, and netted \$330.00.

Fires, among the business houses, were prevalent, too, but the first fire of any large damage was the fire in 1892, which gutted the two-story stone building of Wm. Appelt and Sons on the



southeast corner of the square and spread to all but one store on the east side of the square.

In 1879 the Hallettsville City Cemetery was incorporated under a charter which vested control in a board of trustees composed of John Buchanan, H. H. Russell, D. B. Howerton, Mary Ellis, Jane Cates, Ella Tippet, and Josephine Visor. The Sacred Heart Academy was founded in 1881, and the Hallettsville grade school was established in 1885. The town's waterworks was established in 1891 when a six (6) inch well was drilled to 345 feet, flowing 30,000 gallons per day.

## 2. *Moulton*

As a town, it was founded before 1860, probably 1855 or 1856. The origin of its name is also in doubt. It was first mentioned in the records of the county in February, 1859, when a road was authorized to the settlement. It was then spelled Molten. Again in October, 1859, it was referred to as Molten when the Court moved the election box from Edwards' School to the town.

Located in a rich prairie land section, the town soon acquired the name of "The Queen of the Prairies." It was not until 1874 that the town made any great progress. It was then that M. H. Allis located his school there. The school flourished under his excellent management and direction and won statewide recognition for the settlement.

In 1875, Moulton consisted of several stores, a wagon and blacksmith shop, a church, a new Odd Fellow hall, and a new school-house.

Nathan B. Burkett was one of the original settlers of this section. Although it was primarily a settlement of immigrants from Mississippi, as the Crouchs, Lezears, Woodleys, and Johnsons, it was in the 1890's heavily settled by Czech and German immigrants. In 1887, when the San Antonio and Aransas Pass Railroad was constructed from Yoakum north to Waco, its lines came within two miles of the town and school. A railroad station was constructed for the town and it was given the name of Topeka. The old town and its people gradually drifted over to this station, and when it was abandoned, the station inherited the name, post office, and business of Old Moulton.

### 3. *Shiner*

On the bald prairie, a short distance west of the headwaters of Rocky Creek in the western part of the county, in 1887, sat several new but small frame buildings. These were the beginnings of the town of Shiner. Not far distant stood the trading post and post office of Half Moon, so named from the peculiar shape of the timber that surrounded the old post. Its development was greatly handicapped by the lack of transportation facilities. Henry Dreyer, Sr., one of the pioneer settlers, in 1895 wrote:

"When I was a boy, I used to haul cotton to Port Lavaca (Indianola) and sell it for four (4) cents. The cost of transportation was about three-fourths ( $\frac{3}{4}$ th) of a cent. We used to make up parties and take cotton to the port every season. About 1877, I had forty-three (43) bales on hand."

When the S. A. & A. P. Railroad laid its tracks from Yoakum north to Waco, it by-passed the old trading post, but put in a rail-switch on the lands of Henry B. Shiner for a proposed new town-site. A few resourceful traders capitalized on the new location, and the building of the new frame buildings began. For a time, it was called New Half Moon, but then was changed to Shiner in honor of the donor of the townsite, which included 250 acres for the right-of-way and grounds for the depot.

Shiner located in the county in 1867, when yet a young man (19 years of age), and engaged in cattle raising. In 1870, he drove his first herd north through the territory to Abilene, Kansas. Four years later, he married Lou West, the daughter of a prominent stock raiser at Sweet Home. Soon thereafter he bought the J. H. Harris Ranch of 1,000 acres on Rocky Creek and embarked in the cattle business on a more extensive scale. He rode the crest of the cattlemen's prosperity in 1882, when cattle sold from \$18.00 to \$25.00 per head. With his profits he acquired some 8,000 acres of land in the western part of the county.

With the influx of the German and Czech immigrants in the 1880's, he found a ready market for his lands, but needed the railroad and the new town to supply the needs of the new settlers. He lent his tremendous energy and wealth to accomplish both projects. The town grew by leaps and bounds, and in September, 1890, it was of such size and population as to warrant incorpora-

tion as a city. The first election was held October 13, 1890. L. P. Amsler was elected mayor; C. L. Williams, A. G. Wangeman, J. Blohm, W. Wendtland, and M. Richter as aldermen. Amsler died January 14, 1891, and was succeeded by C. L. Williams; M. Wolters was elected to replace Williams on the city council. Under their able leadership and energy the town prospered and developed rapidly.

In 1893, Shiner commented:

"Back in the 60's, the county was very sparsely settled; the country was all open, grazing land and houses were few and far between. Among the first I became acquainted with when I came here was that veteran stockman and cattleraiser, Lee Kokernot.

This country has changed wonderfully since 1867, almost past belief. When I first came here there were none at all to amount to anything. The old settlers were scattered here and there over the country; many of them had lived here since away back in the 30's. They were Braches, Ponton, Blair, Major Gelhorn, Tom Hughes, Quebedeaux, Haynes, Guthrie, the Culpeppers and Priest Dickson."

The town in its earliest days was plagued with fires. On August 28, 1891, the railroad cotton platform with forty-five (45) bales of cotton, and a freight car on the siding, were destroyed by fire. In the morning of November 22, 1894, an explosion set in Wangeman's Store by robbers started a fire. It spread from one building to another until nine (9) of the new frame buildings were destroyed.

#### *4. Other Towns*

The city of Yoakum was constructed as a railroad terminus of the branch lines of the San Antonio and Aransas Pass Railroad in 1887, and was named after B. F. Yoakum, the traffic manager of the railroad line.

Petersburg, after it was abandoned as the county seat in 1852, flourished for many years, but by 1880 was reduced to a single establishment. E. H. Nelson and wife established an academy there in the 1850's and occupied the buildings that once housed the county offices. It operated until the Civil War depleted its enrollment and then, too, it was abandoned. In 1887, N. Avant operated a mill and gin there. Morgan, Judd & Williams operated one of the largest and imposing stores in the county there in 1893.

Sweet Home, now commonly known as Old Sweet Home, was

located about nine (9) miles west of Hallettsville, not far from Mustang Creek. It was first known as the wintering grounds for the freighters during the Civil War, but later became established as the center of the cattle industry. It is said this little crossroads produced more millionaires than any one spot in Texas. It was the home of such prominent cattlemen as Willis McCutcheon, John Bennett, Sol West, George West, Ike West, and the Allen brothers. In 1884, general merchandise stores were operated by C. & F. Patton, and H. & R. Saunders; a mill and gin were operated by Hicks and Saunders. At that time, it had a school, a church, and three doctors. In that year, its correspondent boasted of having three (3) new windmills; that its gin was going to gin 1,000 bales of cotton that fall; and that the cattle had withstood the winter well, the only loss of any consequence being 40 or 50 head lost by the Allen Brothers in the boundary pasture west of the village.

Hackberry was a village in the northeast section of the county on the old Hallettsville-Schulenburg Road, about eleven (11) miles from the county seat. In 1887, it boasted of having the largest mercantile store in the county, a spacious two-story stone building erected in 1880, 120 feet by 40 feet, conducted by Neuhaus Bros. In addition, it had a saloon, a blacksmith and tin shop, and a steam mill and gin operated by W. H. Moore and J. V. Moore.

The place was first settled in 1847 by L. E. Neuhaus, who established a farm and stock ranch. In 1853, he constructed a steam saw and grist mill. The sawmill was soon discontinued, and, in 1858, a gin was added, which, it is said, was the first gin west of the Colorado River. The mill and gin were destroyed by fire in 1859, rebuilt in 1860, and then operated by Neuhaus until 1865.

The village was named for some large hackberry trees in front of the Neuhaus residence, and the name was officially established in 1862, when a post office was located there. In October, 1865, Neuhaus opened a general merchandise store, which he conducted until he retired in 1882 in favor of his two sons, C. L. Neuhaus and W. O. Neuhaus; in 1887, J. V. Neuhaus, the youngest son, was admitted to the firm. Dr. F. W. Simmons purchased the gin and mill in 1865 and operated it until 1885, when he sold it to the Moore Brothers.



Gleckler, located on the Schulenburg road twelve (12) miles northeast of Hallettsville, was a small community post office. In 1887, A. Gleckler operated a general merchandise store, was postmaster and justice of the peace. It was located in one of the oldest sections of the county; nearby was the old Thomas Chaudoin place, one of the first settlements in the county.

Breslau was a village located on the Lavaca River about six miles north of Hallettsville. In 1887, it consisted of a large merchandise store built in 1885, owned and operated by F. Ludwig, and a blacksmith shop.

Witting was a village twelve miles northwest of Hallettsville named in honor of George Witting, a commission merchant at Columbus, Texas. D. Garbade was a merchant there in 1887, and the town's postmaster; a physician, Dr. M. L. Eidson, was established there.

Moravia was a village established in the northern part of the county near where the old South Union Church formerly stood near Little Rocky Creek. A post office was established there in 1880. Ignac Jalufka was its postmaster in 1887 as well as its principal merchant. Dr. J. M. Burford, a physician, was located there and operated a drug store. The community had a large two-story school building.

Williamsburg, named in honor of John Williams, its founder, was established six miles southwest of Hallettsville, and one-half mile east and north of Rocky Creek. Williams operated a large storehouse, grist mill and gin. In 1887, in addition to the Williams firm, the town had a Methodist church, a parsonage, and a schoolhouse.

Ezzell, in the heart of the country called "Tiger Bend," is located fourteen miles below Hallettsville near the Lavaca River; in the early days of the county's history, it was known as Kent. In 1887, it had two general mercantile stores, A. B. Noble and W. C. Noble, and a gin and mill owned and operated by L. P. Jones.

Vienna is located twelve miles east and south of Hallettsville on the east bank of the Navidad River. In 1887, John Mixon was its postmaster, and a gin and mill was owned and operated by Wm. Mixon and Son.

Seclusion was located about nineteen miles southeast of Hal-

lettsville on the east side of the Navidad. In 1887, it was merely a community post office which was established about 1880 at the residence of Henry Miller. Boxville, a pioneer settlement in the early days of the county, was located about five miles further down the river, but when its post office was discontinued, it was moved to Seclusion. E. M. Works was postmaster in 1887.

Antioch, also known as Karney's, was a village in the southeast portion of the county between Clark's Creek and Supple Jack. In 1881, it was a flourishing town with three general merchandise stores, a drug store, a saloon, a blacksmith shop, gin, and mill. Later, a part of its business enterprises moved three miles north to Koerth, and with the coming of the railroad, a portion moved to Sweet Home. In 1887, Charles Karney & Son was the sole business firm and operated a gin and mill.

Hope was located in the southwest portion of the county about seventeen (17) miles from Hallettsville. In 1887, it was a trading post for a considerable territory; it had two general merchandise stores, R. B. Thrift & Co., and Keepers & Brocker. Also, a steam mill and gin operated by D. C. Cook; a drug store operated by W. H. Kilgore with Dr. Thomas Presley, Jr., as physician. A school known as the Peoples' School was conducted there with J. N. McCain as principal, and it was well known for its extensive course of study. Two churches were also located there.

With the coming of the railroad in 1888, two additional towns were located on its main route through the county. Sweet Home, located midway between Hallettsville and Yoakum, was largely made up of old firms that moved there from Old Sweet Home and Antioch. Sublime, located ten miles east of Hallettsville, represented in the main a transfer of August Weller's general mercantile store from Wellersburg, D. Strunk's Store from Honey Creek, and Robert Miller's Store from Smoothing Iron.

Bovine, a village that developed and passed with the cattle drives, was located on Brushy Creek. In 1875 it had an excellent stone church and several stores.



## CHAPTER V





# *The Social Development of Lavaca County*

## A. RELIGIOUS DEVELOPMENT

### *1. Catholic Church*

By the provisions of the general colonization laws of Mexico, all settlers to Texas were required to observe the Catholic religion. Many of the people who came to Lavaca County had accepted this faith in their native states, particularly Missouri, and for some years after establishing their residence in the county, they were without a priest or church.

In 1839, Father Edward A. Clark, a native of Bradstown, Kentucky, arrived in Texas. His work among the Catholic people of the Republic of Texas led him to the Catholic settlements in Lavaca County, where he remained as their priest. When Father Odin, later bishop of Texas, visited Texas in 1840, his journey along the Lavaca River was a very happy one, for there he found about seventy people, who formerly had been his parishioners at Barrens, Missouri.

In 1841, the Catholic settlers in the Brown settlement on Smothers Creek, constructed a log church about three miles west of the newly established town of Hallettsville, and dedicated it as St. Mary's in memory of their old parish in Missouri. By fall of the year, a two-story log house was completed; this served as priest quarters and as a school, which was opened to untutored adults as well as children. Early in 1842, Father Clark was appointed in charge of the Anglo-Catholic settlers from the upper Navidad to Texana and as far west as Victoria. He made his headquarters at St. Mary's.

Bernard Brown, a parishioner, November 22, 1844, deeded 44½ acres of land to Bishop Odin as a parish site and cemetery, and on the same day, he conveyed 305½ acres to Clark, the Parish priest, who in turn conveyed the tract to the diocese. In 1847, when the diocese of Galveston was founded, St. Mary's was one of the ten churches that completed the missionary organization.

The development of the Catholic Church in Lavaca County outside this settlement, however, was very slow. To be sure, some

progress was made. Brushy, the predecessor of the church at Yoakum, was organized as a Mass station as early as 1847. In 1850, Rev. Charles Padey, Father Clark's successor at St. Mary's late in 1847, organized a parish and built a log church on Supple Jack Creek, on land donated by a parishioner on the J. Douglas League (Augustin Douglas). It was later abandoned, and converted into a home by John Williams.

In 1863, with the appointment of Rev. John A. Forest, the church received a tremendous impetus and considerable progress was made. Rev. Forest established his missionary headquarters in the log church at St. Mary's. For over three decades he worked with his people scattered over the county and organized them into active parishes. New churches were established by him at Hallettsville, Moulton, and Antioch.

After much earnest labor with the church at Brushy, which had been established earlier as a Mass station, he secured a regular membership of fifty-five families. This served primarily a colony of Irish settlers from Missouri, who had settled there in the early 1860's. John Dunn donated 50 acres for a church, school, and cemetery; on this site, in 1869, St. Joseph's Church on Brushy Creek was built under the direction of Father Forest. It was a stone structure, forty by seventy feet, the walls two feet thick, and altogether 356 loads of rock were hauled from Concrete in DeWitt County, twelve miles away. It was completed in 1876.

Lay teachers conducted a private school in a log house next to the church; it was the only school in the community. A parish school was built in 1889 and conducted by a layman named Goldhorn. In 1895, a new parish school was started and continued under the Sisters of the Incarnate Word and Blessed Sacrament from Victoria and Hallettsville. In 1906, the site for the present church was bought, and foundations were laid for a new church. In 1909, the parish school was moved to the new site; two years later, the rectory. In 1912, the present church was built. The Sisters of Divine Providence accepted the school in 1913, and have conducted it since that date.

The Moulton Parish was organized by Father Forest, then the priest at Hallettsville. Sam Moore and Will Moore, non-Catholics, donated five and one-half ( $5\frac{1}{2}$ ) acres of land for the church. The church, also named St. Joseph's, was a building forty by one

hundred feet, and was completed November 15, 1888. The parish continued to be a mission of Hallettsville until a rectory was built in August, 1890, and that fall, Rev. J. A. Erhart became the first resident priest, but remained only six month, recording thirty-five baptisms in that time. The church reverted to Hallettsville as a mission until February 8, 1892, when Rev. Charles J. Benes was appointed pastor with Shiner as a mission. At that time, the church served 175 families, about equally divided between German and Czech settlers. In 1894, the parish school was built, and in October of that year, the Sisters of Divine Providence opened the school, and have conducted it since. In 1902, the building was destroyed by fire, but a new one was erected shortly thereafter. In 1925, a new church, a brick structure, fifty-five by one hundred thirty-five feet, was completed and dedicated.

Antioch, also known as Yellow Banks and Karney, and presently known as Koerth, was one of the earliest settlements in the county, but was without a Catholic church until 1865. About that time, a small log church covered with hand-split shingles was built. Rev. F. X. Weniniger gave a mission there in 1876, bringing back into the fold a number of lapsed Catholics. Father F. P. Gareshe gave another mission there in 1879. In 1878-1879, the log church was replaced by a frame building, and this in turn was replaced in 1888 by a frame building, measuring thirty by one hundred feet, and was dedicated under the title of St. John the Baptist. During all of its early years and until 1909, the church was attended as a mission by priests residing at St. Mary's, and later at Hallettsville. The first resident pastor was Father D'Arche, but in July, 1909, he was succeeded by Rev. Joseph Kopp, who also attended Sweet Home as a mission.

The pioneer settlers of Old Sweet Home, the village on Mustang Creek, and later those of the present town of Sweet Home, were compelled to attend churches established elsewhere. In 1895, a dance hall was remodeled into a church at Sweet Home, and served by the priest from Yoakum. From 1906 to 1910, Father Charles J. Benes attended this mission from St. Mary's, and from 1911-1916 by Father Kopp, and from 1916-1928 by Father Godfrey F. Kuratko, both from Koerth. In June, 1918, a new brick church was built; a rectory was built in 1928.

The log church at St. Mary's near Hallettsville, aside from its



missionary work, continued to grow as a parish. Its records reflect more than 60 negroes were baptized there from 1857-1866; they were mostly the slaves of parishioners Sheldon, Brown, Porche, and May. The original building soon proved inadequate for the size and needs of the large congregation recruited there by Father Forest, and in 1884, it was enlarged by a sacristy, choir loft, and steeple with a small bell. Under Rev. Louis P. Netardus, Forest's successor at Hallettsville, the present church, a much larger building forty by one hundred feet, was constructed in 1896. In 1882, Rev. Forest established his residence in the rectory at Hallettsville, and St. Mary's was established as a mission from there. It, none the less, continued to thrive, and in 1905, with the arrival of Rev. Chas. J. Benes, it again had a resident priest, and again missions were established from there. At Breslau, a Czech Catholic society was founded in 1884; in 1910, a Methodist Church situated on a high hill overlooking the town was bought, and dedicated under the title of St. Anthony and Mass was first said there on December 24, 1910. The mission was eventually moved to Witting in 1945. A social hall was bought at Wied and turned into the mission of St. Ludmila in 1912, which remained in use for masses for over ten years. St. Augustine's Church was built at Worthing in 1919 on land donated by Vinc Smolik and was used as a church for about five years.

It was at Hallettsville, however, that Rev. Forest did his greatest and best work. The town was served for many years as a mission of St. Mary's; masses were said and missions preached in the home of the Catholics there. The parish grew rapidly, and the need of a larger church at the county seat became a pressing problem. The parish was poor, for there the parishioners were not the large landowners, but in the main, immigrants from Europe who had only recently arrived. The means were not available for the construction of an adequate church. In 1869, Collatinus Ballard and his wife, Mary Jane, donated an acre of ground for a church just outside the original town tract. In 1873, the building of the church was begun, and under the untiring supervision and direction of Father Forest, it was completed in 1882, at a cost of \$35,000.00. The stone for the building was hauled from Muldoon Quarry, sixty miles distant, on ox-carts. It is said that the faithful priest, assisted at time by a few of his

parishioners, drove the ox-team that hauled the stone. The lumber was secured from East Texas, shipped by rail to Flatonia, and hauled on ox-cars from there. The lime was burned on the church grounds under the patient supervision of Father Forest. The means to pay for the construction of the church were secured by fairs, picnics, and private subscriptions extending over a period of more than twenty years.

The Sisters of the Incarnate Word and Blessed Sacrament bought a tract of  $3\frac{1}{2}$  acres of land east of the church site in 1877. A small building for a convent was constructed in 1879. In 1882, a small rectory was built, and established as the quarters for Rev. Forest. In 1895, a two-story building was constructed for a parish hall.

The convent, headed until 1910 by Mother Mary Louise Murray, one of its founders, included a motherhouse, novitiate, a boarding school for girls, and day school for boys. A three-story frame building was added in 1883, another in 1891, and later the two were connected to form the Sacred Heart Academy. A new boys' school was constructed in 1892 east of the present rectory. In December, 1895, Rev. Louis P. Netardus succeeded Father Forest as pastor of the Hallettsville church. Under his direction, the old rectory was moved to its present site, and remodeled in 1899. In 1898, the convent erected and added another three-story building known as its Music Hall to its facilities.

Father Forest labored in the county for thirty-two years, and in 1895 was chosen the third bishop of the San Antonio diocese. The appointment was a fitting reward for the man who had so unsparingly used his time and energy in establishing his church in the pioneer days of the county, and in administering to the spiritual needs of its settlers, especially at a time of the heavy influx of the German and Czech immigrants into the county.

A small rural parish, mostly of Czech descent, was located near the site of the old South Union Church on Rocky Creek about twelve miles north of Hallettsville. Here in 1881, James Holub and Ignac Jalufka built a store at the junction of three roads, and called it Moravia in memory of their native country. The community had a large two-story school building as early as 1887, and the priest of St. John, a neighboring parish, used it to teach catechism. In 1911, Rev. Emil Schindler became pastor of St.

John and its mission, Moravia. With his encouragement and guidance, a church was built in 1912-1913 on land donated by Ignac Jalufka.

## *2. Protestant Churches*

The provision in the Mexican colonization laws, which prohibited Protestant worship, was removed by the establishment of the independence of Texas. Family worship had been tolerated under the Mexican rule, but it was not until after the revolution that neighborhood worship in the Protestant faith manifested itself in any great proportions.

Settlers of Protestant faith established their homes and churches in Lavaca County early in its history. In March, 1846, the Rocky Creek Baptist Church was organized with eight members by two ministers, R. E. B. Baylor and Richard Ellis. It was located near the present site of Montseratte. The church was governed by an able group of elders and assumed the leadership in the pioneer work of carrying the word of the Gospel to the people in the southwest portion of the state. The Rocky Creek church was affiliated with the Union Baptist Association.

At the session of the Union Baptist Association of Texas in 1847, the churches at LaGrange, Macedonia, Plum Grove, Bethany, and Rocky Creek petitioned for letters of dismissal. It was their intention to form a new association. The petition was granted, and a committee was appointed to aid the churches in forming the new association. On the Thursday before the third Sunday in November, 1847, the delegates from nine churches, including the five mentioned above, met with the Rocky Creek Church. After a sermon by Elder Z. N. Morrell, Elder Hosae Garret was called to preside, and the convention was organized, articles of faith were adopted, and officers were elected. Some of the churches represented in this convention were among the first organized in the state. Six counties were represented by the nine churches, and the territory extended from the city of Austin to the coast, and as far west as the Guadalupe River.

In 1851, a Baptist church was organized at Hallettsville. It was served by the pastor of the Rocky Creek Church. In 1854, it reported a membership of fourteen. By 1855 the membership had increased to fifty and was served by the pastor M. L. Crawford.

The Salem Baptist Church was founded prior to 1859. On July 20, 1859, Rev. Henry Crocker, one of the original founders, deeded two acres on the waters of Clark Creek to the congregation, and a building soon thereafter was constructed on the site. For more than twenty years, it housed the largest single congregation of its faith in the county, and remains active as of this date.

The church at Rocky Creek had a membership of seventy-three in 1856, including fourteen slaves. The Live Oak Church, established near Moulton about 1855, had a membership of seventy-one in 1858. Active members in the church were A. B. Burkett, B. Nations, and S. S. Cobb. Its pastor was Rev. J. E. V. Covey.

The Colorado Baptist Association held its annual meeting of 1866 with the Hallettsville Baptist Church, beginning Friday, September 14, and ending September 18. An unusually small crowd attended the convention owing to the inclemency of the weather. Many of the churches had also been abandoned during the Civil War and were not heard from. In spite of this, fourteen churches were represented, and an interesting meeting was held. "Christian Warfare" was the dominant theme of the sermons and discussions. Among the churches represented were the following from Lavaca County:

<i>Church</i>	<i>Location</i>	<i>Pastor</i>	<i>Membership</i>
Elm Grove	Antioch	H. Crocker	32
German	Near Hope		27
Hallettsville		C. S. Stephens	100
Mixon Creek			30
Rocky Creek	Montseratte	W. P. Hatchett	94
Salem		W. H. Holland	114
Willow Spring		B. L. Stevens	54

Before the Civil War a church had been established at Sweet Home. It was called the New Bethel Church, and in 1873, it reported a membership of fifty-three. The Friendship Church near Hope was organized shortly after the Civil War, and it listed thirty-four members in 1870.

As the number of Baptist churches spread over the western portion of the county and the adjoining counties, the need for another association developed. In response to this proposal, fifteen churches from the Colorado, San Marcos, and Union associations met at the North Grove Church in Lavaca County on



September 28, 1877, and organized the Lavaca River Association. Elder Z. N. Morrell, who had been instrumental in organizing the Colorado Association in the county in 1846, preached the introductory sermon and assisted in perfecting the organization.

The organization of new Baptist churches continued in the county until 1895. The larger churches were found in the central and southern portions of the county. In 1894, the Baptist churches in the county were:

<i>Church</i>	<i>Location</i>	<i>Pastor</i>	<i>Membership</i>
Antioch	Ezzell (Creole)	G. W. Newsome	49
Golden Rod	Seclusion	J. M. Caves	24
Hallettsville		J. L. Lloyd	91
Hope Well		C. D. Williamson	15
Midway	Hope	J. F. Carson	84
Mt. Hernnon	Sweet Home	G. W. Newsome	60
New Bethel	Sweet Home	J. L. Lloyd	33
Rocky Creek	Mont	Lee Green	48
Salem	Ezzell	S. M. Holland	75
Shiloh	Hope	E. F. McDonald	55
Sublime	Sublime	A. W. Rabb	20
Life of Shiner	Shiner	T. J. Fouts	27
Moulton	Moulton	T. J. Fouts	30

The development of the Baptist Church in Lavaca County after 1895 was severely retarded. The Anglo-American settlers were displaced after that time by the German and Czech immigrants, and Catholic and Lutheran churches replaced the Baptists' churches in many communities. Active churches in 1932 were found at Hallettsville, Shiner, and Moulton, the three principal towns of the county, and at Salem.

Methodism was introduced in eastern Texas in 1832, and it slowly made its way westward. The Egypt circuit, organized in 1842, embraced all the settlements in what are now Colorado, Lavaca, Jackson, Wharton, and Matagorda counties. Within this territory there were sixteen appointments, and it required nearly 400 miles of travel to get around the circuit.

It was the circuit riders then who brought the principles of Methodism to the people of Lavaca County. They worked under severe handicaps, and the development of the church within the county was considerably slower than was that of the Baptist

church. The services of the circuit were often irregular and the scattered members of the Methodist faith could not provide an adequate or convenient place for public worship. Usually a prominent settler in the community invited his neighbors to his home, and they would worship together when the minister reached them on his circuit. Camp meetings were the only pioneer occasions in the county for neighborhood and community worship.

The Lavaca circuit was created in 1853, and John W. Addison and G. W. Cottingham were appointed to it. Addison was the youngest of three brothers in the Texas Methodist Conference. The call to the Hallettsville circuit was his first appointment. His early activities are described in his journal:

Jan. 18, 1853. Rode to Bro. Hester, got my dinner and then rode to the town of Hallettsville.

Jan. 21, 1853. This evening I tried to preach to a handful of people.

Jan. 22, 1853. Had an appointment today at Petersburg, very few in attendance.

Jan. 23, 1853. Preached at Rocky.

Feb. 4, 1853. Bro. Cottingham and I have been around the circuit and have gotten things tolerably straight for the years work.

In a letter home, Addison described his circuit:

There is no appearance of revival on this circuit but I hope for better things soon. I wish I could give you an exact account of this circuit. It is a four weeks circuit but it has rained so much that I have only went around it once but expect to start again tomorrow and will get back here in two weeks; there are something like 20 appointments in all or will be when they are all made out. I think of all the circuits in the conference—this is one of the greatest for having a few of all kinds of people in it. From Methodists down to the Papists, not forgetting Campbellites, and almost every kind of *ite* and *ism* in the creation, and they are all hidebound as the Devil himself.

The information pertaining to the Methodist Church in the county is incomplete and fragmentary. The development of this organization was not as extensive as that of the Baptist Church, and like that church, its development after 1895 was retarded by the great number of immigrants who absorbed the land in the county and displaced the Anglo-American settler. Prior to that time, however, in the settlements of the Anglo-Americans, many churches were organized, thrived for a while, and were then aban-

doned. At one time or another, Methodist churches were organized at Old Moulton, Petersburg, Williamsburg, Bethel, Morales, Boxville, Hope, Rocky, Rickman Chapel, Andrew's Chapel, Shiloh, Light's Chapel, Old Sweet Home, and Breslau. Others, organized at Hallettsville, Shiner, Moulton, and Mossy Grove, have survived.

Dr. Dickinson, a trial preacher, and Rev. Pat Darden, his son-in-law, followed Addison as circuit riders in the county, and held services at the various settlements. Two other circuit riders worked for many years among these churches. The first was Rev. John F. Cook, known affectionately by the settlers as "Uncle Johnnie Cook," who came to the county in the 1850's, and was active, according to annals of the Boxville circuit, as late as 1881. The other, A. G. Nolen, was called to preach at Mossy Grove in 1874, and served as assistant pastor there under Rev. Mark Black for two years, and then entered a service stretching over thirty-eight years as circuit minister, principally in the county.

In 1854, the Lavaca Circuit reported 105 white members, sixteen negro members, and three ministers. In a camp meeting held at Moulton by Rev. A. M. Box in 1856, fourteen conversions were reported. In 1858, the church at Hallettsville listed ninety-five white members and twelve negro members; the church was served by Rev. Daniel Carl. In 1860, a church was established at Sweet Home.

The Mossy Grove church was organized by Rev. John F. Cook in 1855 about one-half mile south of its present site. Charter members were Berryman Hall, his wife, and daughter, Susan; John Livergood and wife; Mrs. George Walker; Mrs. Nancy Zumwalt; Miss Lucretia Zumwalt; Mrs. Lucinda Woodward; John Nolen and wife; A. G. Nolen; John Long; and Sarah Long. Rev. Cook served as minister on three intervals: 1856-1857, 1871-1872, and 1878-1879. No regular services were held during the Civil War. The church was a favorite site for camp meetings. A huge arbor was constructed which sheltered the large crowds. The meetings extended over a period of two weeks or more, and were well attended. The people who lived at a distance came in wagons, ox-carts, or on horseback, and pitched their camps under the large live oak trees nearby. It alone, of all the rural Methodist churches,

survived the economic readjustments of the country, and as late as 1914 reported seventy-three members.

The Boxville Circuit in the southern part of the county, 1877-1884, consisted of the churches at Boxville, a settlement established on the Navidad River before the organization of the county in 1846; Bethel; Rickman Chapel; Morales; and Mossy Grove. Rev. A. A. Killough served the circuit as presiding elder.

As early as 1851, a Methodist society was organized in Hallettsville, consisting of eleven members; the only known member was Mrs. Nancy C. Moore. The circuit rider Addison organized the settlement into some semblance of a church organization; he also served the Rocky School and Petersburg. At Hallettsville, he was followed by Rev. C. L. Spencer, also known as pioneer teacher. The church at Hallettsville was housed for over thirty years in a building popularly known as the "College"; the lower floor of the building was shared with the Baptists as a place of worship. In the early years of his ministry, 1859-1867, Rev. David G. Bowers held his protracted meetings in this building. On his ride over the circuits his wife Sarah often accompanied him on horseback. They frequently stayed at the home of W. G. L. Foley, the planter with the large number of slaves and extensive land holdings.

The Baptist Church in Hallettsville in July, 1882, appointed a building committee of Jesse Green, H. H. Russell, and W. M. Dillard. Several months prior thereto, that is in March, the deacons of the church, W. W. Allen, R. Byrn, and W. M. Dillard, had purchased a lot for the purpose of erecting a church; and, following the adoption of the plans for a frame building, D. W. Merritt, J. M. Green, Mrs. Alice Ballard, and Miss Lizzie East were placed on a committee to raise the funds for the construction. These steps were all taken preparatory to their abandoning "The College." In 1884, the church was completed; a parsonage was constructed in 1890.

The Methodist Church continued to use "The College" as its regular place of worship until 1890. In 1891, a frame building, capable of seating 300 people, was constructed on the same block not far from the college. At the close of the conference year in October, 1914, the church reported a membership of 261. This



building served the church for all its activities until 1934 when a large annex was constructed for its Sunday School.

The Lutheran Church in Lavaca County had its origin in the establishment of the German settlements in the county from 1860 to 1880. In 1867, Rev. Christian Geiger was called to serve as the itinerant minister of Lavaca and Fayette counties. He served the Lutheran families at Hallettsville, Pagel Settlement, Hackberry, and Honey Creek. He regularly held services in the homes of the different families, besides performing professional services, such as baptisms, weddings, and confirmations.

On December 22, 1889, in a meeting at the residence of Mr. and Mrs. A. F. Groeber, the Hallettsville Lutheran Church was organized. Three years later, a church building was constructed.

In Shiner, following its establishment as a town in 1889, three Lutheran churches were organized. The Immanuel Lutheran Church, Missouri Synod, began its activities shortly after the early beginnings of the town, organizing a congregation in 1889; in that year it also acquired a tract of land and built a church. This congregation continued for two or three decades as the strongest of the churches, but later met with unfortunate reverses and declined in membership until it was dissolved in 1948. Upon its dissolution, its members transferred to the church formed by a merger of the other two.

The Dr. Martin Lutheran Church dates back to 1895, when Rev. William Dziejwas, who was pastor and resided at Yoakum, came to Shiner to conduct services there. In January, 1896, the construction of a church building was begun, and on March 5, 1896, the new church was dedicated. Some years later, the building was enlarged. Both the building and the tract of land on which it was located belonged to the pastor, Rev. Dziejwas. The pastor and church were independent of any synodical affiliation during nearly all of the twenty-four years he served the church as pastor.

St. Paul's Church was organized on January 29, 1911. A building was erected in 1912. Rev. Karl Konzack, then of Charlottenburg, served as its first pastor. In 1913, the church affiliated itself with the Evangelical Lutheran Texas Synod. Shortly thereafter, the congregation called Rev. W. C. Wolfsdorff of Yoakum, pastor of the Holy Cross Church, who accepted, and in October, 1913, he began to serve the St. Paul's Church, as well as the Yoakum

church. On March 21, 1920, the St. Paul's Church and Dr. Martin Luther Church merged and formed into one church known as the United Dr. Martin Luther Church. Rev. Wolfsdorff continued to serve the church until July, 1923, and upon his resignation, Rev. J. C. A. Pfenniger was called, and he served until 1933.

Other Lutheran churches were established at Charlottenburg, Breslau, Shiloh, Sublime, Vsetin, and at Moulton.

Churches of other denominations were also organized in the county, but their development was very limited. An Episcopal church was organized in Hallettsville before 1870, but its membership was very small. A Jewish synagogue was organized in Hallettsville in 1905 with a membership of seventeen. It functioned for several years and was then abandoned. Afterwards, a Christian Science church was also organized in Hallettsville; it is still active, but has a very limited membership.

Fraternal organizations of various kinds were also organized in the county. The Murchison Masonic Lodge of Hallettsville was chartered in 1851; the Odd Fellows organized before the Civil War and constructed their hall in 1870; the Knights of Pythias organization existed for some time and was then abandoned; the Knights of Columbus organization was formed soon after the establishment of the Catholic church at Hallettsville in 1882. With the exception of the Knights of Pythias, the fraternal orders are active today, and have played an important role in the social and religious development of the county.

## B. EDUCATIONAL DEVELOPMENT

### *1. Schools*

The educational development of the county, like the religious development, had its beginnings in the days of the Republic of Texas. For two decades thereafter, its development was concurrent with the religious development. This was not unusual for in the early times education and religion were inseparably associated. Frequently the same building served as both church and school, for the church was generally the only community building in the settlement. Then, too, many of the early teachers were ministers, who used the church as a parish school to supplement their meager

salary with tuition charges. They also regarded the school as the best means for evangelizing the youth.

The early schools of the county then were promoted and maintained by the various religious denominations and fraternal organizations. From 1860 to 1885, the schools consisted largely of academies and institutes established by itinerant teachers. In 1885, the district system was introduced, and community supported schools developed. A large number of the private schools were taken over by the district where they were located, and many of them continued under the same faculty. The free school pro rata per capita, however, was so small that the term of the school was very short, and the funds had to be supplemented by private subscriptions and tuition charges. This practice led to a part of the term being public and part private. With these conditions prevailing, only a small part of the pupils could attend school all the time, making it impossible to have a regularly graded school. This difficulty was solved by the levying of a local school tax. After 1900, the county schools made considerable progress. At that time the office of the county superintendent was created, which served to standardize the course of study, teaching methods, and terms.

Father Edward Clark, who established the first Catholic church in the county at St. Mary's in 1841, established and conducted the first school in the county in the log hut which also served as the church. Father Clark was considered a very capable teacher by his parishioners. The Catholic Almanac for 1846 listed two schools that had been established in Texas by its church. One was located on Smothers Creek in Lavaca County, and was conducted by Father Edward Clark. Except for a few intermittent periods, the school has been in continuous operation for more than a century and bears the distinction of being one of the oldest Anglo-Catholic schools in the state.

Early private schools were maintained at Petersburg and Hallettsville. Among those at Hallettsville, the first was conducted by H. Tolleson, who years afterwards, 1852-1858, served as county tax assessor and collector; the second, by John Buchanan Sr., a Canadian by birth who had been educated for the priesthood. He was an accomplished linguist, and had a reputation for being

very strict. His school was in the southern part of the town. R. J. Anderson taught, also, in the same building.

After Hallettsville was established as the county seat in 1852, it developed rapidly, and efforts were made to establish educational institutions of a more pretentious rank. In 1852, the Alma Male and Female Institute was established. The building was a long two-story structure, facing west, and was located one block east of the public square. Its frame was made of rough hewn timbers, finished off by lumber hauled from Indianola on ox-carts. The building provided ample room for the different classes; it also contained music and painting rooms and a commodious steward's department. The building was gotten up and completed by the individual enterprise of L. W. Layton as a cost of about \$5,000.00. The grounds for the school were donated by Mrs. Margaret Hallet. The property, however, passed into the hands of a stock company, which was incorporated on February 6, 1854. The institute opened for its first session on the first Monday in May, 1853, under the direction of Rev. C. L. Spencer, assisted by Miss Flanagan. Rev. Spencer was a Methodist preacher, well educated, and fully competent to direct an undertaking of this kind. The terms of tuition, according to the preliminary announcement in the *Texian Advocate*, a newspaper in Victoria, were to correspond with the charges of the neighboring institutions of equal rank. Little is known of the course of study except that the institute proposed to teach "all the useful branches of a liberal education." The steward's department was under the control of A. G. Andrews. His terms were: for those attending from Monday morning until Friday evening, \$5.00 per month; for those who attended all the time, with washing, lights, and bedding, the charge was \$7.00 per month. The first session closed some time in October, 1853, "with much credit to its teachers, honors to its students, and entire satisfaction to its patrons."

The institute was governed by a Board of Trustees, who, upon its incorporation were: J. C. Finney, L. W. Layton, C. Ballard, A. G. Andrews, A. Turner, S. Bennett, A. W. Hicks and M. B. Bennett. The trustees were vested with general powers to transact the ordinary business of the institute, to confer degrees and grant diplomas, to fix salaries of all officers connected with the institute, and to fill the vacancies which might occur in their own body.



The consent of two-thirds of the trustees was necessary to elect or remove the president or any one of the teachers. No religious test was to be required of any president, professor, or tutor, nor could any student or officer be censured, suspended, or expelled on account of his or her political or religious opinions. It was further provided that the institute was never to be under the control of any particular denomination of Christians or religious sect.

The institute opened its second session in January, 1854. It was conducted during that term by Mr. and Mrs. S. T. Robb, assisted by J. L. Smith. The institute was at that time in a flourishing condition, had eighty-five students enrolled, and the prospects for more were good.

Further than what has been stated, very little is known of the institute except that it flourished until the Civil War. It was successively conducted and taught by J. L. Smith, J. E. V. Covey, and E. H. Nelson. Smith afterwards went to Independence and Salado. Covey was probably the best educated of all the teachers, and was a Baptist minister, held a diploma in Latin and Greek. He afterwards went to Concrete in DeWitt County, where he conducted one of the best schools in the state.

J. K. P. Blackburn, in his reminiscences, added a little information on the institute:

I taught a little primary school in Fayette Co. first for three months. Then I sold my horse my father gave me, got my money for teaching school, put these two funds together, and went to Alma Institute in Lavaca County for two years. I taught one year in Gonzales County and after adding this to my bank account, returned to my Alma Mater as pupil and assistant teacher and was there until hostilities commenced between the North and South.

Blackburn left the school to participate in the capture of San Antonio, its garrison and military stores on February 16, 1861. He returned to the Institute, discussed the future with his roommate, decided that school work was "too tame and commonplace," and enlisted in a company organized at LaGrange. His roommate, named Foley, from New York, enlisted in Colonel Ford's 2nd Texas Cavalry, and was killed in a charge on a battery at Val Verde, or Glorietta, New Mexico.

The Masonic Lodge, shortly after its organization at Hallettsville, contracted for the construction of a building sixty feet long,

thirty feet wide, and three stories high with an observatory on the roof. It was to be used as a male college, which was to be under the guidance, protection, and management of the Masonic fraternity. John W. Kelly and Josiah Dowling donated the block of land on which the building was constructed. It is not definitely known that the college was ever established. Perhaps the success of the Alma Institute, and later the Civil War, prevented its growth, and the project was abandoned. The "College," as the building was popularly called, was used to house many activities. The first floor was used as a church by all denominations, primarily by the Baptists and Methodists; a community primary school was conducted on the second floor; and the third floor was used by the Masonic fraternity. In November, 1860, the County Secession Convention met in this building. After the war, the building was divided in its use as outlined above, and was used until 1890, when it was displaced by a more modern structure.

Other schools were maintained in the county before the Civil War. The record of them, however, is very incomplete. In 1858, twenty-three teachers were listed in the county: P. Gregory, J. W. Fishburn, J. E. Harwell, R. A. Adams, Julius Smith, W. J. Campion, J. V. Covey, A. Morris, James Johnson, Anzie Lay, William Coleman, J. B. Labave, B. A. Hoyte, E. A. Rabb, G. T. Whitfield, E. H. Nelson, Maria Donnelley, C. Russell, Mary S. Lyne, William A. Ginson, R. A. Williams, B. R. Walton, and James S. Branon. Of the schools taught by these teachers little is known. Covey conducted the Alma Institute, E. H. Nelson conducted the school at Petersburg, and Miss Maria Donnelley conducted a small school three and a half miles southeast of Sweet Home.

Mr. Nelson and family occupied the tavern at Petersburg, formerly owned by Spencer Townsend. It was a large roomy house, which enabled them to keep some of the students as boarders. Nelson was a capable teacher and conducted a good school. Miss Anzie Lay, for many years one of the county's best teachers, was a student of his, and later became an assistant teacher in the school, helping Mrs. Nelson with the girl students.

Miss Maria Donnelley, who came to Texas in 1856 from Kentucky, conducted her school in a little one-room log building

located on the northwest corner of John Donnelley's farm, three and a half miles southeast of Sweet Home. The floor was made of split logs, while the roof was made of boards ripped from post oak trees and fastened to the rafters with rawhide strings or nails made by the blacksmith. The hut had no windows, and light was obtained by sawing out one of the logs. There were no desks for either the teacher or the pupils. The seats were made of split logs with auger holes in each and wooden pegs driven in for legs.

The schoolhouses, textbooks, and equipment in these early times were of a primitive character. The teachers went from home to home soliciting pupils until a sufficient number were secured to justify teaching. The tuition depended on the number of pupils and ranged from seventy-five cents to one dollar and a quarter per month, which was often boarded out by the teacher. The instruction was largely individual, and the sessions lasted from three to four months. The books most commonly used were: Davie's Arithmetic, McGuffey's Readers, Webster's Blueback Speller.

In 1867, the McOmber Institute was founded one mile east of Sweet Home by H. H. McOmber, A.M. The Institute opened for its seventh season on September 7, 1874. Its term was divided into two sessions. The short session, lasting from September to December, was public and its expenses were paid by the state school fund; the long session, lasting from January to July, was private, and the tuition ranged from \$12 to \$24 a term. Board and room, fuel and light included, could be secured for \$13 per month. The session hours were from 8:30 to 12 in the morning and from 1 to 4:30 in the afternoon.

In 1875 or thereabouts, McOmber abandoned the McOmber Institute and organized the Odd Fellows Institute at Hallettsville. Male and female departments were conducted in separate buildings. Each child of scholastic age was credited with his or her pro rata rate of the school funds, and the terms were: Reading, Writing, Spelling, including the same branches in German, \$2 per month; English Grammar, Geography, Mental and Practical Arithmetic, Algebra, Geometry, Greek, and Latin, \$4 per month. Mr. L. C. Levy had charge of the German classes. The Institute opened January 31, 1876, and closed June 30, 1876.

Mrs. H. C. Taylor established her select school, popularly

known as the China Grove School, in Hallettsville in 1873, teaching music and art in addition to the regular studies. The terms and session were the same as in the other schools.

Joel Townshend conducted a school six miles northwest of Hallettsville near the Hinckley place in 1874-1875. Boarders were accommodated in good families nearby, and the terms and regulations were the same as in the other schools.

James Ballard, a former student of Baylor University at Independence and afterwards at Waco before the Civil War, conducted a school for many years in the "College" at Hallettsville. His terms for the year 1874-1875 were: for the primary class, \$2 per month; for the intermediate class, \$2.50 per month; and for the advances classes, \$3 per month. Aside from the usual studies, he gave instruction in German.

Professor A. H. Watson conducted a school in 1874-1875 in the New Bethel Church, four or five miles south of Sweet Home.

In 1874, the Moulton Male and Female Institute was established at Moulton, a settlement in the northwest corner of the county, by M. H. Allis. Allis, a graduate of Rochester University, came to Texas in 1857, and accepted a place as professor of mathematics in the Gonzales College. During the war, he enlisted in Hood's Brigade, was captured, and imprisoned for eighteen months in the Rock Island prison. On his return, he was made president of the Gonzales College. He afterwards moved to Lavaca County, and in 1874, he opened the institute at Moulton. In 1876, the institute buildings were destroyed by fire; they were replaced in 1877 by a building, twenty-six feet wide, fifty feet long and two stories high. A separate building was constructed for the music department. The school was conducted in two sessions, as was customary throughout the country. The fall session began in September and closed in January, and the spring term extended from February to July. The rates of tuition per month were: primary class, \$2; intermediate class, \$2.50; advanced class, \$3; ancient languages and advanced mathematics, \$4; music, with the use of the piano, \$5; and board, tuition, furnished room and lights, \$14.

In 1877, the faculty consisted of: M. H. Allis, principal; Mrs. Thankful Allis, preceptress; and Miss Sallie McLean, music department. Separate buildings were not provided for the male and female departments, but a sliding partition divided the long



school room on the bottom floor which segregated the boys and the girls during the study hours.

The curriculum of the school was broad, comparing favorably with the higher institutions of that time. Reading was taught from the primer through Virgil and Cicero. Arithmetic, algebra, geometry, calculus, and surveying were included in the course for the boys, and to graduate, astronomy was a required subject. The music school was one of the institute's strongest departments. Under the direction of Miss Sallie McLean of Hallettsville, it won state renown. Besides the piano, the department possessed a large organ with chimes.

The school flourished until the death of Professor Allis in 1892. In 1886 a storm nearly demolished all the buildings, but they were rebuilt and the school continued with a large enrollment. The attendance in January, 1890, was 160 students, with thirty boarding students. Mrs. Allis tried to carry on the work for three years after the death of her husband, but in 1895, she disposed of her property and moved to San Antonio.

In 1890, when the railroad came within two miles of the settlement of Old Moulton, the town with its people gradually drifted over to the station, and formed the present town of Moulton. The institute flourished for some time after this but a large public school was established in the new town, and it largely took over the work of the institute. The new public school was promoted by Messrs. Sam and Will Moore, leading stockmen and landholders in the community, who donated half the cost of the building on the condition that the citizens subscribed the other half. This was done, and a two-storied brick building was erected, bearing the title of Sam and Will Moore Institute, and constitutes today the public school building of Moulton.

The Sacred Heart Academy of Hallettsville was established by the Catholics in 1882 under the leadership of Father Forest. Mother Louise, assisted by Sisters Mary Bernard and Mary Teresa, and three other subordinates, conducted the school. The school opened for its first session on January 6, 1882, and reopened the following September with 180 pupils.

Upon the establishment of the district system in 1885, the academy was excluded from state use and deprived of state fees. Nevertheless, it continued under a competent and larger faculty.

Besides the primary and intermediate departments, instruction was given in the regular high school studies, together with music, Latin, Spanish, French, and German. The academy flourished until 1926, when the mother house was removed to the Mission Road, San Antonio, Texas. The academy at Hallettsville exists today as a senior high school with an enrollment of approximately five hundred students.

The People's School at Hope was conducted by J. N. McCain as principal, for the term 1883-1884; tuition charges were \$1.60 per month for English branches, \$4.00 per month for Languages, Mathematics, Belles Lettres. Students were boarded in private homes on charges ranging from \$8.00 to \$12.00 per month.

A public school had been maintained in Hallettsville almost continuously since the Civil War. In 1895, the school had twenty-nine enrolled in the high school, fifty-four in the grammar grades, seventy enrolled in the intermediate grades, and forty-seven in the primary grades. On October 30, 1900, the citizens of Hallettsville decided by a vote of ninety-seven to twenty-five to levy a special tax to lengthen the term to eight months and to erect a new building. The district was organized as an independent district by a special enactment of the Legislature on April 7, 1905. An imposing brick structure was erected in 1910, but it was destroyed by fire in February, 1919. In 1920, the present building was completed, and the school now has an enrollment of approximately five hundred students.

After the founding of the town of Shiner in 1889, schools were established there, and two first-class high schools were maintained by the community.

The educational development of the county is well summarized in the reports of the years 1877, 1888, and 1932. In 1877, the county had forty-one white school communities. In 1888, the county had sixty-one white schools and twenty-four colored schools, employing ninety teachers. The average term of the school was 4.75 months, and \$40 was the average monthly salary. In 1936, there were ninety public schools in the county with an enrollment of 7,499 students, employing 180 teachers. Four parochial schools were also maintained in the county with an enrollment over 700 students.

## 2. *Other Agencies*

There were many agencies independent of the school which served to educate the people. Chief among these were the radio, the press, and the community libraries. In the earlier days the agencies were restricted to a few private libraries, occasions for public speaking, and the press.

Lavaca County has made very little progress in fostering and developing libraries within its limits. Independent of those found in the schools, there are very few libraries found in the county, and these, in the main, are found among the professional men. In the earlier times, perhaps some rich planter may have had a library worthy of mention, but no record of it is available.

The occasions for public speaking were quite frequent in the early days of the county. Before the development of the press, the most influential means of diffusing public knowledge was through oral address. The contested county seat election, which aroused the interest of the entire county in 1852, was thoroughly discussed upon the public rostrum. The enthusiastic secession sentiment in the county in 1860 developed largely through the agitation given it at public meetings. Then, too, an undeterminable part of the religious development of the county was promoted by the camp meetings, revivals, and public services.

The county has been fortunate in the large number of able speakers that have lived within it. The early lawyers were men who had been admitted to the bar in Mississippi, Virginia, and other states. They brought with them the grace and eloquence of those southern states. The lawyers in the early days of the county were: R. B. Willis, L. T. Harris, William Martin, William Tate, H. R. McLean, B. B. Walker, Rogers, and Volney Ellis. Martin, an Irishman, was an able orator, fearless, and a popular figure. Tate was also a gifted speaker. The most eminent member of the bar in the county was General A. P. Bagby, the son of a former governor of Alabama and at one time ambassador to Turkey. W. T. Bagby, a son of General Bagby, attained perhaps the greatest recognition accorded any speaker of the county. His ability in debate and in eloquence earned for him the sobriquet "The Lion from Lavaca."

The greatest influence of the extra-school cultural agencies

on the public mind in the county, however, was the press. Its development was late, beginning with the rapid settlement of the county after the coming of the railroad in 1888, and reaching its greatest height in 1913 when the town of Hallettsville supported thirteen newspapers. The great influence of the press is attributal to the great number of foreigners who settled in the county. Owing to their inability to read the English language, the immigrants depended on their fellow countrymen already established in the county for leadership and advice. As a consequence, papers edited in the language of the immigrants determined their attitude on public issues. Furthermore, the socialistic tone of their politics and philosophy is due in no small part to the teachings of the socialistic press, which ran rampant in the county in 1913 and 1914.

The first newspaper published in the county was the *Hallettsville Lone Star*, which was edited in 1860 and 1861 by S. A. Benton. It was abandoned during the Civil War, and the press was stored away. Major S. Lee Kyle restored the press in 1871, and published a weekly called the *Herald and Planter*, which was devoted "to Politics, Art, Literature, Agriculture, Stock Raising, and encouragement of Immigration." C. F. Lehman bought the paper from Kyle in 1885 and made extensive improvements in the publishing plant. The name was soon thereafter changed to the *Hallettsville Herald*. In 1910, Lehman sold the paper to James Howerton, who in 1923 disposed of it to Leo Strauss. The paper was changed to a semi-weekly in 1912. Strauss published the paper until December 31, 1929, when it was consolidated with the *Hallettsville New Era*. It is presently edited and published by Virgil Minear.

In 1887, Alfred LaCrosse established a printing shop in Hallettsville and edited a weekly newspaper called the *Enterprise*. In 1889, it was sold to William Blakeslee and changed to the *New Era*. In 1893, E. O. Meitzen purchased the paper, and it was published by first one member of the Meitzen family and then another until December, 1929, when it was consolidated with the *Herald*.

The *Shiner Gazette*, a democratic weekly, was established in Shiner in 1890 with Charles Ward as editor, and is still in operation with Lee Sedlmeyer as editor and publisher. The *Shiner*



*Courier*, another weekly, was also established in 1890 by Smith Brothers, but it was of short duration.

*Obzor*, a Bohemian weekly devoted to horticulture and agriculture, was established in Hallettsville in 1891 by Frank Fabian, who sold the paper to Frank Jakubik in 1895. In March, 1895, it was changed to the *Novy Domov*, and was published as a Bohemian Catholic and democratic weekly. Joseph Kopecky bought the plant in 1906, and edited the paper for twenty-five years, changing it to a semi-weekly in 1912. In May, 1931, the paper was bought by Walter Malec, who is its present publisher.

The *Lavaca County Nachrichten*, a German weekly, was organized in 1896 by Henry Sporrer and C. H. Waltersdorf. The paper was bought in 1900 by Richard Waltersdorf, who edited it, except for a brief interval during the World War, until 1926, when it consolidated with the *Freie Press fur Texas* of San Antonio.

*Der Anzeiger*, a German Populist party paper, was published by E. O. Meitzen in Hallettsville from March, 1896 to December, 1898.

The *Moulton Eagle*, a Democratic weekly, was established in 1900, and was edited and published by O. F. Knappe until 1952, when the plant was sold to the Malec Publishing Company.

The *Obzor Hospodorsky*, the Bohemian paper devoted to agriculture, was re-established as a semi-monthly by Frank Fabian some time before 1901.

*Treue Zeuge*, the monthly organ of the German Lutheran Church, was published in the New Era shop for Rev. Heise of La Grange. It was started some time before 1904, and was printed for about ten years.

In 1911, T. A. Hickey and the Meitzen Brothers, publishers of the *New Era*, organized the Socialist Printing Company in Hallettsville, and had stockholders over the entire state. The company published a paper, edited by Hickey, called the *Rebel*, which was the state paper of the Socialist party. Its slogan was: "The great appear great to us only because we are on our knees—Let us arise." The paper in 1912 had a circulation of 17,000, which increased to 23,000 the following year. The circulation of the paper was stopped in 1917 upon the order of the United States government.

In 1904, the editor of the *Herald* boosted the town in an edi-

torial in which he stated that Hallettsville led the state in the number of newspapers published. There were six at that time: *Herald*, *New Era*, *Lavaca County Nachrichten*, *Obzor*, *Novy Domov*, and *Treue Zeuge*. The only town that could approach this record of Hallettsville with its 1,457 inhabitants and six papers were Clarendon, with a population of 949 and three papers; Gilmer, with 591 inhabitants and three papers; Hamilton, with a population of 726 and three papers; and Jacksonville, with a population of 1,567 and four papers. In 1913, however, Hallettsville set a new precedent when its five printing shops published thirteen newspapers, consisting of a daily, *The Daily Booster*; three semi-weeklies, *Novy Domov*, *Herald*, and *New Era*; five weeklies, *Nachrichten*, *Habt Acht*, *Decentralizer*, *Rebel*, and *Pozor*; three semi-monthlies, *Vestnik*, *Obzor*, and *Buditel*; and one monthly, *Treue Zeuge*. This led one writer to comment:

Hallettsville with 1300 people in 1913 had thirteen newspapers, thirteen saloons (a saloon for every editor), thirteen churches, and an empty county jail.

The *Daily Booster* did not endure long; it successively dropped from a daily to a tri-weekly, then to a weekly, and finally was abandoned altogether. *Habt Acht* was a German Socialist paper edited by Z. Panek, and was in operation only a short time. *Pozor* was a Bohemian Socialist paper which was also edited by Panek; it was as short-lived as his other paper. The *Decentralizer* was a Socialist paper edited by E. R. Meitzen; it was not a propaganda paper, and its circulation was restricted to party members. *Vestnik*, the semi-monthly organ of the Bohemian fraternity, S. P. J. S. T., was published by Frank Fabian; it was later transferred to Fayetteville. *Buditel* was another Bohemian paper published by Fabian; it was published for Rev. Witt, a Bohemian Lutheran preacher.

In 1914, a semi-weekly Bohemian paper called the *Nasinec* was established and edited by Joseph Naier. It continued for a short time and was then abandoned.

Most of the papers established in 1912-1914 continued only for a short time, and by 1916 only five were in circulation: *Herald*, *New Era*, *Rebel*, *Nachrichten*, and *Novy Domov*.

In 1920, E. R. Meitzen, who had been connected with the Non-Partisan League in North Dakota, published a paper at Halletts-

ville known as the *Texas Leader*. It was an English weekly and was published only during the gubernatorial campaign of 1920 in which Meitzen was the candidate for the Non-Partisan League of Texas.

On December 31, 1929, the *Herald* and *New Era* consolidated, and for the first time in forty-one years Hallettsville had only one English newspaper. On January 7, 1932, however, another English paper made its debut. *The Lavaca County Tribune*, a weekly published by the Malec Brothers, who also published the *Novy Domov*.

### C. THE DEVELOPMENT OF LAW AND ORDER

Throughout its history Lavaca County has made a fair record as county of law and order. Its pioneers, as a rule, were of law-abiding stock and developed peace officers noted for their fearlessness and intrepidity. Lawlessness, nevertheless, prevailed at times, and it was then that the county was correctly dubbed "The Free State of Lavaca."

Lawlessness made its appearance shortly after the Civil War. It was then that the system of law and order was demoralized by the failure of the Confederate government and the opposition to the Yankee rule. The successful stand the draft-dodgers made against the conscription officers inspired others. Negro thieving parties were common until they were broken up by the Klan. Quite often a freedman would be found hanging from the limbs of the giant oaks on the river bottoms, mute evidence of the vigilantes, who sought to keep law and order.

Perhaps at no other time in its history did Lavaca County gain as much statewide notoriety as it did shortly after the Civil War, when a group of men from Smothers Creek shot up the old John Roberts circus, then showing at Sweet Home. Governor E. J. Davis dispatched the state troops to the scene and this force arrested three Kelley brothers, Emmett, Henry, and Bill. Emmett escaped before the force had gotten him out of the county, but the two others were killed on the way to Austin, presumably in trying to escape.

About 1875, the county was terrorized by Stewart Campbell, the wild son of a cotton planter, who lived near Rabb Switch.

He roved about the country with a horsewhip and fell upon defenseless negroes and settlers with his whip. Not content with this, he later, with the aid of his brother Tucker and another, kidnapped a young girl in Hallettsville whom they murdered on Peach Creek in Gonzales County. They were arrested in Lavaca County by Sheriff Jim Bennett and brought to Hallettsville to await the arrival of Captain Bill Jones, the sheriff of Gonzales County. Sheriff Bennett and his deputies escorted Captain Jones, his deputies and their prisoners to the Gonzales county line. Before the prisoners reached Gonzales, however, a mob of several hundred men took them from the officers and hung them not far from the scene of their crime.

In 1877, lawlessness took the upper hand in Hallettsville. The law-abiding citizens thereupon employed J. A. Jamieson, a member of Quantrell's guerrillas in Missouri during the Civil War, as town marshal and constable. He was described as a quiet individual with steel grey eyes, who knew no fear and handled the toughest bad men with such ease and fearlessness that his name struck fear into the hearts of the lawless. He remained in Hallettsville during the years 1877-1878 and restored law and order. He was successively city marshal in Schulenburg, Flatonia, Luling, Gonzales, and Yoakum, and lived to die a peaceful death of pneumonia in Yoakum in February, 1906.

The pioneer Czech settler, Mrs. Marie Kahanek, who had survived the hardships of the reconstruction period, suffered a great deal at the hands of the lawless element, primarily negro thieves. But she lived to learn that the outlaws were at times Good Samaritans. She had lost a brother-in-law when a band of thieves shot him down after calling him to the door of his home. It was no wonder then that she had her fears when she opened her door one day to find a band of outlaws in her yard. The leader demanded food for his men and when Mrs. Kahanek explained by trembling gestures that there was none in the house, he dispatched several of his men to the woods to round up a stray maverick and in a short time they were back with a young beef. It was dressed, the meat was cooked for the men, and the remainder left behind for Mrs. Kahanek and her children.

The cattle range in the county was often the scene of primitive conflicts. Before the coming of the fences, its open range was often



in dispute and the wild herds of cattle on the range gave rise to many claims. Furthermore, the criminal docket of courts were replete with charges of stealing horses, unlawfully removing hides, killing heifers, unlawfully branding or milking a cow. Quite often it was done on a big scale, as Sheriff Smothers and a posse learned in June, 1887, when they found a herd in the Campbell pasture with all the brands and marks defaced. Range law and justice were frequently enforced and invoked when a rustler was caught "red-handed," and often a gun duel decided the ownership of a beef with a blotched brand. Of far more consequence was the range war between the fence-cutters and the homesteaders. Serious trouble was narrowly averted by the prompt enactment of the state law prohibiting the fence cutting, and the enforcement of this law by the peace officers, but the practice continued for some time by the "irreconcilables." In August, 1887, Sheriff Smothers and his deputies arrested a band of fence-cutters who had troubled the cattlemen in the southern part of the county, and their speedy trial ended the war. The last revolt the cowboy staged against the coming of civilization was when he shot out the electric street lights in Hallettsville when they made their initial appearance.

On one of his cattle drives through the Indian Territory, Lew B. Allen, a cattleman from Sweet Home, took a fancy to an Indian boy whom he persuaded to return with him to Texas. The boy grew to manhood on Allen's ranch and sometimes worked for the neighboring farmers. While working in the vicinity of the Peterson farm on Rocky Creek, he borrowed a shotgun and pistol from L. D. Peterson, ostensibly to go "turkey hunting," but actually to settle a score with Frank Edwards, a freedman, who had knocked him down earlier in the day. Leonard Hyde, a worker on the farm and a British subject, persisted in accompanying Pocket, as the Indian was called. The Indian resented Hyde's coming, and as Hyde followed him through the gate, the Indian shot him and fled on horseback. Sheriff Bennett trailed him to Bosque County, arrested him, and brought him back to Hallettsville for trial. He was found guilty and hanged before a huge crowd that had assembled under the large oak trees where now the Recreation Hall stands.

The original "bad man" of Hallettsville was Jim Buckley. He had no regard for the numerous city ordinances and broke them

with impunity. In October, 1880, he was drunk in one of the local bars, when John K. Smothers, the city marshal, tried to arrest him. Both men went for their guns, but each missed his target. Thereupon, Buckley was arrested and tried for assault with intent to murder. Again in February, 1882, he was placed in the city jail; this time by D. W. Merritt, who had succeeded Smothers as city marshal. At this time, he vowed to "get even" with the law, and on November 6, 1882, he displayed his disregard of the law by spitting in Merritt's face. For this act of impudence, he paid with his life, for Merritt killed him with a load of buckshot when he accosted him later on the streets.

The Dalton gang of Victoria often sought refuge in the thickets on the Lavaca River in Lavaca County. On one occasion the sheriff of Jackson County was killed as he led his posse into the Devil's thicket to get this outlaw band. These outlaws made a specialty of stealing horses in Jackson and Victoria counties and then making off with them into the cedar brakes near Austin, disposing of the horses to the ranches west of there. One day it was rumored on the square at Hallettsville that a member of Dalton's gang was at the railroad station waiting to board the train. No one knew him, but his appearance and actions were that of a fugitive, whereupon the city officers sought to question him. He was shot down when he made an attempt to draw his gun, and to this day has not been identified. Eventually all of the members of the Dalton gang were brought to justice, and their thicket was cleared for settlers who engaged in the peaceful pursuits of farming.

Lavaca County has not been without its feuds. The Sutton-Taylor and the Rees-Townshend feuds very properly belong to DeWitt and Colorado counties, but the feuds were not restricted to the confines of those counties. Some of the active participants were Lavaca men but the story must be told elsewhere. Prominent among the Lavaca feuds were the Kelly-Stubbs feud, the Ledbetter-McMurry feud, and the Willis-Stoner feud.

Sheriff J. W. Bennett, one day in the early '90's, as he entered the district clerk's office to return some papers he had served, was told that Ben Stoner was looking for him, intending to shoot it out with him. Bennett was unarmed but borrowed the clerk's pistol. As he walked out of the north door of the courthouse, he found Stoner waiting for him. Stoner was mounted and had drawn

his gun but held it on the side away from Bennett, who was unable to see it. When the sheriff had walked to within ten steps of him, Stoner brought his gun across his saddle and fired, his shot striking Bennet above the right ear but inflicting only a slight scalp wound. Bennett's quick draw saved his life as his first shot disabled Stoner, who, wounded as he was, set out on his horse for a store on the west side of the square but toppled off dead before he got there. The dispute should have ended there, but Stoner's widow followed him to the grave shortly afterwards and left behind an infant son, who grew to manhood under the care of the courthouse janitor. When grown, he asked for the details of the killing of his father from Tom Willis, who related the story to him. From that day on the boy nursed a grudge against Willis that whiskey flamed into a passion to kill. On repeated occasions he insulted Willis and tried to force a quarrel with him. Willis took no offense at the abuse and sought to evade the fight, but with no avail for in a few months he was forced to draw his gun in self defense and slay the youth he had befriended.

Some years before this, District Judge McCormick, whose court was in session, was resting from his arduous labors on the bench by sitting on the gallery of the old Lindenberg Hotel. His relaxation was rudely disturbed by a gun fight on the street below. The closing scene of the Kelly-Stubbs feud was being played before his astonished eyes. Some time before this Stubbs had killed Bob Kelly at a dance. Kelly's kin passed out the word that Stubbs would be shot upon sight. Bob's brother, Byrd, and John Smothers were in a saloon on the southeast corner of the square late one afternoon when Stubbs walked into the saloon. The shooting began upon his entrance and ended out upon the streets. Stubbs fell before the fire of Kelly and Smothers. The shooting had attracted Stubbs' friend, Leo Tucker, who hastened to his aid, but he also fell in the fight, dying of his wounds weeks later. Kelly later won his acquittal before the very court that had witnessed his fight.

The Ledbetter-McMurry feud occurred in 1899. Professor C. M. Ledbetter conducted a school at Old Sweet Home. Among his patrons was Sam McMurry, who had two sons in the school. Ledbetter expelled the boys for misconduct and hard feelings grew out of the incident. When Ledbetter, at the close of the school

term in March, attempted to collect tuition from McMurry, mutual opinions were exchanged and then both men went for their guns and Ledbetter killed McMurry. McMurry's twenty-year-old son, Charles, later that day attacked Ledbetter's brother, a physician at Sweet Home. Ledbetter's trial was set for the June term of court, and when the day for trial came, Charles McMurry drove into town, intending to mete out justice according to the ancient law of "an eye for an eye." His opportunity came when Ledbetter appeared on the streets, and Ledbetter fell upon the first shot of the youth, whose aim had been perfected by months of steady and determined practice. The slayer was subsequently given a two-year sentence.





## *List of County Officials*

### *County Judges*

Andrew Ponton, 1846-1848	T. A. Hester, 1876-1890
W. T. Townshend, 1848-1850	P. H. Green, 1890-1894
Jno. H. Livergood, 1850-1852	James Ballard, 1894-1896
J. E. Martin, 1852-1854	D. A. Paulus, 1896-1900
Maryland Jones, 1854-1858	James Ballard, 1900-1902
B. B. Walker, 1858-1860	C. J. Gray, 1902-1904
J. F. Spears, 1860-1862	O. E. Meitzen, 1904-1906
B. F. Wroe, 1862-1864	W. R. McCutcheon, 1906-1910
J. N. Lemond, 1864-1865	P. H. Green, 1910-1920
Isham Simms, 1865-1866	J. A. Sommerlatte, 1920-1922
Joel Ponton, 1866-1867	C. L. Stavinocha, 1922-1928
A. K. Foster, 1867-1870	August Janszen, 1928-1936
Isham Simms, 1870-1870	Paul H. Fertsch, 1936-1957
William Tevis, 1870-1874	Gus J. Strauss, 1957-1958
H. R. McLean, 1874-1876	

### *Sheriffs*

M. H. Hinch, 1846-1847	H. H. Russell, 1870-1870
Nicholas Ryan, 1847-1848	W. H. Coleman, 1870-1874
A. M. Dodd, 1848-1849	J. W. Bennett, 1874-1880
G. F. Sanders, 1849-1850	William English, 1880-1882
George Guthrie, 1850-1852	A. J. Smothers, 1882-1888
John McKinney, 1852-1856	J. F. Houchins, 1888-1898
John Harral, 1856-1858	R. G. Bennett, 1898-1902
A. G. Nolen, 1858-1860	A. B. Noble, 1902-1910
William Smothers, 1860-1862	E. H. Houchins, 1910-1920
Joseph S. Loe, 1862-1864	L. A. Greer, 1920-1928
A. K. Foster, 1865-1866	E. H. Houchins, 1928-1934
Sam Devall, 1866-1866	A. P. McElroy, 1934-1946
W. H. Coleman, 1866-1867	Vernon Reaves, 1947-1949
W. P. Ballard, 1867-1869	Theo. C. Long, 1949-1958
O. F. McGonigell, 1869-1870	

### *County Clerks*

Josiah Dowling, 1846-1864	Jesse Green, 1870-1876
Henry Holtzclaw, 1864-1865	W. W. Allen, 1876-1882
Josiah Dowling, 1865-1866	John Buchanan, 1882-1894
(No Record), 1866-1869	J. W. Rees, 1894-1896
H. C. Youngkin, 1869-1870	John Buchanan, 1896-1912

J. A. Sommerlatte, 1912-1918  
E. T. Long, 1918-1920  
J. F. Bozka, 1920-1938

D. L. Hudson, 1939-1944  
Charles J. Strauss, 1945-1958

#### *County Treasurers*

Phillip Howard, 1846-1847  
F. M. Cheney, 1847-1847  
A. K. Foster, 1847-1852  
M. B. Bennett, 1852-1854  
J. W. Kelley, 1854-1865  
T. H. Streich, 1865-1866  
W. B. Rhodes, 1866-1869  
Wm. Upchurch, 1869-1870

F. W. Fahrenthold, 1870-1872  
Sam Devall, 1872-1894  
A. B. Devall, 1894-1916  
Ed. Mikulenska, 1916-1920  
Mrs. B. Mikulenska, 1920-1932  
E. G. Peterson, 1932-1934  
J. G. Konvicka, 1934-1949  
Julius Mikulenska, 1949-1958

#### *Tax Assessors*

Mansel Coffee, 1878-1882  
M. D. Hargrove, 1882-1888  
B. F. Culpepper, 1888-1892  
R. D. Zumwalt, 1892-1894  
T. J. Pesek, 1894-1904

E. A. Turk, 1904-1908  
Rudolph Valenta, 1908-1920  
Joseph Munsch, 1920-1926  
E. A. Turk, 1926-1934

#### *Tax Collectors*

W. P. Terry, 1878-1880  
W. H. Turk, 1880-1886  
J. W. Bennett, 1886-1892  
B. F. Culpepper, 1892-1894  
Anton Berkofsky, 1894-1898  
J. D. Meyer, 1898-1900

S. L. Bennett, 1900-1906  
T. J. Pesek, 1906-1908  
S. L. Bennett, 1908-1920  
H. J. Schornack, 1920-1926  
V. J. Prasek, 1926-1932  
H. J. Schornack, 1932-1934

#### *Tax Assessors and Collectors*

Gabriel Zumwalt, 1846-1848  
M. B. Bennett, 1848-1852  
H. Toleson, 1852-1858  
R. Lockett, 1858-1860  
Henry Holtzclaw, 1860-1862  
Sam Devall, 1862-1866  
Henry Holtzclaw, 1866-1869

Jesse Green, 1869-1870  
Mansel Coffee, 1870-1876  
W. P. Terry, 1876-1878  
E. A. Turk, 1934-1942  
John L. Smolik, 1943-1952  
Ernest Schultz, 1953-1957  
Frances J. Polasek, 1957-1958

#### *County Attorneys*

Geo. Broadwater, 1876-1877  
John C. Viser, 1877-1877  
John Woods, 1877-1880  
P. H. Green, 1880-1890  
D. A. Paulus, 1890-1892

J. P. Ellis, 1892-1894  
Wm. Blakeslee, 1894-1900  
P. H. Green, 1900-1902  
W. T. Bagby, 1902-1910  
C. L. Stavinoha, 1910-1920

W. E. Parr, 1920-1922  
Paul Fertsch, 1922-1936  
William W. Allen, 1936-1942  
C. L. Stavinoha, 1942-1945

William W. Allen, 1945-1946  
Paul C. Boethel, 1947-1954  
Leon F. Pesek, 1954-1958  
Armond G. Schwartz, 1958-

### *County Superintendents of Public Instruction*

T. P. Guenther, 1900-1910  
William Eilers, 1910-1918  
Frank Schoppe, 1918-1934

Chas. McDonald, 1934-1938  
W. A. Eilers, 1939-1958

### *County Surveyors*

H. H. Russell, 1878-1888  
James Ballard, 1888-1894  
H. H. Russell, 1894-1912  
W. H. Koether, 1912-1922

E. O. Meitzen, 1922-1924  
(No Record), 1924-1930  
F. W. Hons, 1930-1958

### *County Auditor*

Wm. Peterson, 1917-1924

John F. Holubec, 1924-1958

### *District Judges*

Wm. E. Jones, 1846-1848  
Fielding Jones, 1848-1862  
J. J. Holt, 1863-1865  
S. A. White, 1865-1866  
J. J. Holt, 1866-1867  
Wesley Ogden, 1867-1869  
W. H. Burkhart, 1869-1876

Everett Lewis, 1876-1884  
Geo. McCormick, 1884-1893  
T. H. Spooner, 1893-1897  
M. Kennon, 1897-1922  
C. K. Quinn, 1922-1923  
Lester Holt, 1923-1958  
W. W. Ellison, 1954-1958

### *District Clerks*

D. Laughlin, 1846-1854  
T. A. Hester, 1854-1863  
C. C. Dibrell, 1863-1865  
T. A. Hester, 1865-1870  
Jesse Green, 1870-1874  
W. W. Allen, 1874-1876  
John Buchanan, 1876-1882  
W. W. Allen, 1882-1884  
O. C. Searcy, 1884-1894  
J. B. Atkinson, 1894-1896

Hugh Lay, 1896-1900  
E. T. Long, 1900-1918  
Ed. Kacir, 1918-1920  
T. H. Streich, 1920-1922  
C. J. Strauss, 1922-1934  
Gus Strauss, 1934-1940  
E. S. Kelly, 1941-1952  
Joe Goode, 1953-1954  
E. S. Kelly, 1954-1958

### *District Attorneys*

John A. Green, 1846-1848  
William Glass, 1848-1854  
R. E. Williams, 1854-1857

John L. Harper, 1857-1857  
William Tate, 1858-1862  
Volney Ellis, 1862-1864



J. H. Jonson, 1864-1866  
Wesley Ogden, 1866-1867  
Sam Lackey, 1867-1869  
C. W. Nelson, 1869-1870  
S. C. Patton, 1870-1876  
T. J. Ponton, 1881-1884  
T. H. Spooner, 1884-1893  
S. L. Green, 1893-1901  
J. P. Ellis, 1901-1903

Wm. Atkinson, 1903-1913  
Lester Holt, 1913-1918  
Horace Duncan, 1918-1924  
R. A. Weinert, 1924-1936  
Henry Paulus, 1937-1945  
Denver Perkins, 1946-1947  
W. W. Ellison, 1947-1954  
Paul C. Boethel, 1954-1958

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